

PB-230 483

POLLUTION OF LAKE MICHIGAN AND ITS
TRIBUTARY BASIN. PROCEEDINGS OF
CONFERENCE HELD AT CHICAGO, ILLINOIS
ON JANUARY 31, FEBRUARY 1-2, FEBRUARY 5-7,
1968. EXECUTIVE SESSION, MARCH 7, 8 AND 12,
1968. VOLUME VII

Federal Water Pollution Control Administration
Washington, D.C.

March 1968

DISTRIBUTED BY:

NTIS

National Technical Information Service
U. S. DEPARTMENT OF COMMERCE
5285 Port Royal Road, Springfield Va. 22151

PROCEEDINGS

Volume 7



Chicago, Illinois
Jan. 31, Feb. 1-2, Feb. 5-7, 1968
Executive Session
March 7, 8 and 12, 1968

ILLINOIS

INDIANA

CONFERENCE

**Pollution of
Lake Michigan and its tributary basin**

Reproduced by
NATIONAL TECHNICAL
INFORMATION SERVICE
U. S. Department of Commerce
Springfield, VA 22151

**U. S. DEPARTMENT OF THE INTERIOR
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION**

660

The Executive Session of the Conference
on the Matter of Pollution of Lake Michigan, and its
Tributary Basins, convened at 9:30 o'clock a.m. on
March 7, 1968, at the Sherman House, Chicago, Illinois.

CHAIRMAN:

Murray Stein
Asst. Commissioner for Enforcement
Federal Water Pollution Control Admin.
U. S. Department of the Interior
Washington, D. C.

ALSO PRESENT:

Dr. Bregman
Deputy Assistant Secretary
U. S. Department of the Interior
Washington, D. C.

CONFEREES:

FEDERAL:

H. W. Poston, Regional Director
Great Lakes Region
Federal Water Pollution Control Admin.
U. S. Department of the Interior
Chicago, Illinois

Assisted by:

Robert J. Schneider, Deputy Regional Director
Great Lakes Region
Federal Water Pollution Control Admin.
U. S. Department of the Interior
Chicago, Illinois

STATE OF ILLINOIS:

Clarence W. Klassen, Technical Secretary
Illinois Sanitary Water Board
Springfield, Illinois

Assisted by:

Douglas Morton, Sanitary Engineer
Illinois Sanitary Water Board
Springfield, Illinois

CONFEREES (CONTINUED):

STATE OF INDIANA:

John E. Mitchell, Director
Indiana Department of Natural Resources
Indianapolis, Indiana

and

Blucher Poole, Technical Secretary
Indiana Stream Pollution Control Board
Indianapolis, Indiana

Assisted by:

Perry E. Miller, Assistant Director
Division of Sanitary Engineering
Indiana State Board of Health
Indianapolis, Indiana

STATE OF MICHIGAN:

Loring F. Oeming, Executive Secretary
Michigan Water Resources Commission
Lansing, Michigan

Assisted by:

Ralph W. Purdy, Chief Engineer
Michigan Water Resources Commission
Lansing, Michigan

STATE OF WISCONSIN:

Freeman Holmer, Administrator
Division of Resource Development
Department of Natural Resources
Madison, Wisconsin

Assisted by:

Theodore F. Wisniewski
Assistant to the Administrator
Division of Resource Development
Department of Natural Resources
Madison, Wisconsin

- - -

1 OTHERS IN ATTENDANCE:

2 D. E. Alton, Pollution Control Engineer
3 Kaiser Engineers, Inc.
4 Chicago, Illinois

5 Neil Baldwin, Assistant Editor
6 Chemical & Engineering News
7 Chicago, Illinois

8 Col. Roger A. Barnes, Deputy Division Engineer
9 U.S.A. Corps of Engineers
10 North Central Division
11 Chicago, Illinois

12 Dr. Lawrence Beer, Staff Engineer
13 Commonwealth Edison Company
14 Chicago, Illinois

15 Olga Berger
16 4631 Lawn Avenue
17 Western Springs, Illinois

18 John E. Bessert, National Sales Manager
19 Zimpro Division of Sterling Drug, Inc.
20 Glen Ellyn, Illinois

21 Harry V. Bierma, Chairman
22 Clean Streams Committee
23 Illinois Audubon Society
24 Chicago, Illinois

25 R. M. Billings, Assistant to Vice-President
Research and Engineering
Kimberly Clark Corp.
Neenah, Wisconsin

 Mrs. Russell Bonyng, Chairman
Lake Michigan Inter-League Group
League of Women Voters
Wilmette, Illinois

 R. J. Bowden, Chief
Calumet Area Surveillance Unit
Federal Water Pollution Control Adm.
Chicago, Illinois

 L. L. Bradish, Executive Secretary
Cook County Clean Streams Committee
River Forest, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

T. E. Branagan, Manager
Wisconsin Paper Industry
Neenah, Wisconsin

John R. Brough, Director
Air & Water Control
Inland Steel Company
East Chicago, Indiana

Dale S. Bryson, Acting Director
Minneapolis Program Office
Federal Water Pollution Control Adm.
Minneapolis, Minnesota

Mrs. Dolores A. Burkee, Chemist
City of Kenosha
Kenosha, Wisconsin

J. Floyd Byrd, Head
Environmental Control Section
Charmin Paper Products
Procter & Gamble Company
Cincinnati, Ohio

J. Roland Carr, Regional Editor
Engineering News Record
Chicago, Illinois

Joseph T. Chantigney, Chairman
Great Lakes I.W.L.A.
Dolton, Illinois

Edward C. Cleave
2638 Hillside Lane
Evanston, Illinois

Robert J. Conroy, Manager
Operations Evaluation
Union Tank Car Company
Chicago, Illinois

G. F. Craun, Sanitary Engineer
U. S. Public Health Service
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

Bruce Cross, Bureau Chief
McGraw-Hill Publications
Chicago, Illinois

Quincy Dadisman, Reporter
Milwaukee Sentinel
Milwaukee, Wisconsin

Mrs. Miriam G. Dahl, Chairman
Common Pollution
Wisconsin State Division, I.W.L.A.
Milwaukee, Wisconsin

R. G. Dalbke, Engineer
Kaiser Engineers, Inc.
Chicago, Illinois

Irvin L. Dickstein, Chief
Pollution Surveillance
Federal Water Pollution Control Adm.
Ohio Basin Region
Cincinnati, Ohio

Mrs. J. Dintenfass
Arlington Heights League of Women Voters
Hoffman Estates, Illinois

Mrs. J. R. Doty, Vice-President
DuPage County League of Women Voters
Glen Ellyn, Illinois

Marshall C. Elmore, Chairman
Pollution Committee
Lake County Fish & Game Protective Assn. of Indiana
Whiting, Indiana

S. A. Foust, Project Engineer
Union Carbide
Whiting, Indiana

J. A. Fowler, Engineer
Sinclair Refining Company
East Chicago, Indiana

Herbert D. Fritz, Management Consultant
P & W Engineers, Inc.
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

C. W. Gansv, Representative
American Petroleum Institute
Chicago, Illinois

George Gockstetter, Superintendent
Republic Steel Corporation
Chicago, Illinois

James F. Grutsch
Coordinator of Waste Disposal
American Oil Company
Chicago, Illinois

C. Fred Gurnham, Vice-President
C. W. Rice & Company
Chicago, Illinois

Alfred F. Hanson
Plant Engineering
Johnson Motors
Waukegan, Illinois

Art Harris, Pollution Writer
Indianapolis News
Indianapolis, Indiana

Robert A. Hirshfield, Staff Engineer
Commonwealth Edison Company
Chicago, Illinois

Paul W. Horeyseck, Associate Director
Continental Can Company
Chicago, Illinois

James W. Jardine, Commissioner
Water & Sewers
City of Chicago
Chicago, Illinois

Mrs. Philip Haynes, Jr.
The Calumet Press
Highland, Indiana

Mrs. Eileen Johnston
President & Michigan Alumni Club Water Resources Chmn.
Wilmette League of Women Voters
Wilmette, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

Peter V. Judd, Manager
Midwest Regional Office
NUS Corporation
Chicago, Illinois

Richard Kienitz
Milwaukee Journal
Madison, Wisconsin

F. W. Kittrell, Senior Consultant
Federal Water Pollution Control Adm.
Cincinnati, Ohio

Fred G. Krikau
Environmental Control Engineer
Interlake Steel Corporation
Chicago, Illinois

L. E. Langdon, Vice-President
Pacific Flush Tank Company
Chicago, Illinois

Allen S. Lavin, Attorney
Metropolitan Sanitary District of Greater Chicago
Chicago, Illinois

Kenneth Lehner, Superintendent
Chemical Services
Wisconsin Electric Power
Milwaukee, Wisconsin

James P. Linse, Pollution Writer
Gary Post-Tribune
Gary, Indiana

Ralph Luken, Assistant Professor
Water Resources Commission
University of Michigan
Conservation Department
Ann Arbor, Michigan

Gerald Marks, Trustee
Metropolitan Sanitary District of Greater Chicago
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

David W. Martin, Engineer - Manager
Green Bay Metropolitan Sanitary District
Green Bay, Wisconsin

Glenn W. Metcalfe
Supervisor of Sanitation
Chicago Park District
Chicago, Illinois

J. H. Miller, Chief Engineer
Wisconsin Steel
Chicago, Illinois

Mrs. Herbert Moore
1742 N. Prospect Avenue
Milwaukee, Wisconsin

Herbert Moore
Consulting Engineer
Milwaukee, Wisconsin

A. Thomas Munizzo, Assistant Director
Special Services
Chicago Park District
Chicago, Illinois

H. D. McCullough, City Engineer
City of Milwaukee
Milwaukee, Wisconsin

S. W. McKibbins, Manager
Special Projects
Continental Can Co.
New York, New York

John E. McLean, Sanitary Engineer
Federal Water Pollution Control Adm.
Washington, D. C.

Patrick M. O'Connell
Northwestern University
Evanston, Illinois

Richard A. Pavia, Assistant Commissioner
Department of Water & Sewers
City of Chicago
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

C. Pemberton, Jr., Director
Technical Programs
Federal Water Pollution Control Adm.
Chicago, Illinois

John H. Pingel
Senior Health Physicist
U.S. AEC Chicago Operations Office
Argonne, Illinois

Thomas J. Powers
Industrial Waste Consultant
Federal Water Pollution Control Adm.
Cincinnati, Ohio

Ernest D. Premetz, Deputy Regional Director
U. S. Department of the Interior
Bureau of Commercial Fisheries
Ann Arbor, Michigan

Isaac B. Putnam, Chemist
Sanitary Engineer
U. S. Navy Department
Great Lakes, Illinois

Ronald E. Reder
Nuclear Licensing Administrator
Commonwealth Edison Company
Chicago, Illinois

Philip A. Reed, Filtration Engineer
Chicago Water Purification Division
Chicago, Illinois

Clifford Risley, Jr., Director
Chicago Program Office
Federal Water Pollution Control Adm.
Chicago, Illinois

D. F. Roberts, Sanitary Engineer
Harza Engineering Company
Chicago, Illinois

E. N. Rogers, Chief Estimator
Dunbar & Sullivan Dredging Co.
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

Mrs. Samuel Rome
Water Resources Chairman
Illinois League of Women Voters
Chicago, Illinois

Judie Romeo
Assistant Midwest Bureau Chief
Chemical Week Magazine
Chicago, Illinois

Erle F. Ross, Chicago Editor
Steel Magazine
Chicago, Illinois

Edward C. Rubin, Regional Manager
Chicago Pump - FMC Corporation
LaGrange, Illinois

LeRoy E. Scarce, Director of Laboratories
Federal Water Pollution Control Adm.
Chicago Program Office
Chicago, Illinois

Harry E. Schlenz, President
Pacific Flush Tank Company
Chicago, Illinois

D. A. Schwartz
Technical Services
Nalco
Chicago, Illinois

Walter E. Scott
Assistant to Administrator
Division of Conservation
Department of Natural Resources
Madison, Wisconsin

C. Owsley Shephard, Special Writer
Chicago's American
Chicago, Illinois

Don Shires, Manager
Public Information
Inland Steel Company
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

Mrs. J. Shubeck
League of Women Voters
Arlington Heights, Illinois

Mrs. Milton Sibley
Precinct Captain
Michigan City, Indiana

M. W. Sibley, Water Engineer
Rock Island Railroad
Michigan City, Indiana

Charles M. Squarcy
Assistant to Vice-President
Inland Steel Company
East Chicago, Indiana

Mrs. Cecil M. Stephens
League of Women Voters
Highland, Indiana

Howard W. Stern, President
Aquatic Controls Corporation
Waukesha, Wisconsin

Donald L. Usborne, Engineer
Great Lakes Dredge & Dock Co.
Chicago, Illinois

James C. Vaughn, Engineer
Water Purification
City of Chicago
Chicago, Illinois

T. W. VerValin
162 E. Ontario
Chicago, Illinois

Frank I. Vilen, Superintendent
Water Pollution Control
Kenosha, Wisconsin

DeYarman Wallace, Research Supervisor
Youngstown Sheet & Tube
Youngstown, Ohio

OTHERS IN ATTENDANCE (CONTINUED):

R. D. Watkins
Public Relations
U. S. Steel Corp.
Chicago, Illinois

R. V. Weil, Assistant Manager - Engineering
Sinclair Refining Company
Harvey, Illinois

J. S. Whitaker, Coordinator
Environmental Health
Union Carbide Corporation
New York, New York

B. F. Willey, Director
Water Purification Laboratory
City of Chicago, Bureau of Water
Chicago, Illinois

Mrs. Bertram G. Woodland
League of Women Voters
Homewood, Illinois

Mrs. Robert Zilly, State Chairman
Michigan League of Women Voters
Stevensville, Michigan

- - -

EXECUTIVE SESSION

P R O C E E D I N G S

MR. STEIN: The Executive Session of the Four-State Federal Enforcement Conference on Pollution of Lake Michigan and its Drainage Area is open.

We have had an extensive conference. I think all views have been fairly well aired. The situation is so complicated that the State and Federal representatives have gone back and have thought about the problem and perfected their positions over the past few weeks, we are here to try to arrive at conclusions and recommendations, and I suspect, unless there is a movement to the contrary, that the Conferees will sit until this job has been accomplished. I hope if we are expeditious we can do it today.

The technique we are going to try to use is very similar to the one that we have used in the past. We will come up with the specific recommendations on the points that are raised, trying to cover the material that we have to cover because of the statute and perfect the conclusions and recommendations.

EXECUTIVE SESSION

1
2
3 At that point, a draft will be made of
4 these. We will try to get these typed. Then we
5 will distribute typed copies to all the Conferees
6 and go over them. Nothing that is said at any
7 interim point is to be considered irrevocable,
8 that is until we are satisfied with the final
9 draft, and that will be the conclusions and
10 recommendations. It is often expeditious to get
11 a draft typed that we are all in pretty general
12 agreement on and make a few adjustments later
13 when these draft papers come in.

14 Before we start, the Department of the
15 Interior was very interested, as you may know,
16 the Secretary's office, in this conference, and
17 we have a representative of the Secretary of the
18 Interior here, Deputy Assistant Secretary Bregman,
19 who will give us the views of Secretary Udall on
20 various problems which the Conferees may take up.

21 Dr. Bregman.

22 DR. BREGMAN: Thank you.

23 The Secretary asked me to make a brief
24 statement to you. He wanted to wish you good
25 luck and Godspeed in your deliberations today.

EXECUTIVE SESSION

1
2 He would like to make some very hard, aggressive
3 and specific action recommendations as a result
4 of this conference. There are some particular
5 points he felt especially strongly about that he
6 wanted to be sure I mentioned to you, and I would
7 like to just read a few of his comments.

8 First dealing with the control of
9 phosphates. We have heard at the conference
10 that it is feasible to build tertiary treatment
11 plants for the control of phosphates. It is
12 economical in terms of the benefits that can be
13 achieved. The technology is available. I am
14 certain that you will agree that the removal of
15 phosphates from wastes entering the lake should
16 be required, and that you will suggest a realistic
17 time period in which to do this.

18 Second is the question of thermal pollu-
19 tion. The Secretary has purposely left open the
20 question of temperature in Lake Michigan in his
21 approval of the State water quality standards in
22 the case of each of the States here. He wanted
23 the conference to discuss this question and he
24 hopes that your conclusions will take into account
25

EXECUTIVE SESSION

1
2 the large number of nuclear utilities that are
3 planned for the lake and the considerable amount
4 of heat that will therefore enter the lake at
5 specific points. I would hope that you will
6 consider a definition of appropriate mixing
7 zones, perhaps adopt a uniform definition, and
8 will ask for rather stringent limits on allowable
9 temperature increases.

10 Then comes one of our favorite subjects,
11 polluted dredgings. We have heard over and over
12 again at this conference that polluted dredgings
13 must not be dumped into Lake Michigan. Gentlemen,
14 this means anywhere in the lake, not just a ban
15 on dumping near heavily-populated areas with
16 particularly pollution-conscious newspapers.

17 Sewage from boats. There has been
18 general agreement at the conference that dumping
19 of raw sewage from vessels into the lake must
20 stop. I would hope that the Conferees will
21 recommend to each of their States passage of
22 appropriate State legislation to accomplish
23 this goal. And we would hope that this would
24 be done during this year.
25

EXECUTIVE SESSION

1
2
3 Surveillance. The most effective
4 control for unexpected emergencies, such as
5 oil spills, is an adequate surveillance program
6 that will spot polluting incidents as soon as
7 possible. The Secretary would hope to see the
8 Conferees initiate the activity required to
9 develop such a program on a joint Federal-State
10 basis. FWPCA and the Coast Guard already have
11 begun to discuss the development of a surveillance
12 program, and I believe that participation by
13 the States and cities would ensure its success.

14 As far as conventional wastes go,
15 tight timetables for minimizing the flow of
16 conventional wastes from municipalities and
17 industries into the lake should be recommended.

18 Agricultural wastes. We have heard
19 that many of the problems in Lake Michigan are
20 the result of agricultural runoffs that include
21 contaminants such as fertilizers and pesticides.
22 I would hope that the conference will develop a
23 plan of action for handling this type of waste.

24 There are a number of other problems,
25 I am sure, that you will be taking action on,

EXECUTIVE SESSION

1
2 and I won't try to mention them all, but feel
3 very confident of a successful conclusion of
4 the conference. I am particularly heartened
5 by the faces I see around the conference table.
6 I think the residents of the Lake Michigan area
7 are indeed fortunate to have Conferees of your
8 expertise and dedication. You are, without
9 question, as able a group of State pollution
10 control administrators as any in the Nation. I
11 personally have known some of you for a long
12 time and a good deal of what I have learned about
13 water pollution I have learned from you.

14 Gentlemen, I wish you luck.

15 MR. STEIN: Thank you, Dr. Bregman.

16 (Applause.)

17 MR. STEIN: Now as to the procedures.

18 We have, at least I have, specific recommendations
19 from the regional office of the Federal Water
20 Pollution Control Administration and some from
21 the State of Wisconsin. If there are any more,
22 perhaps we should have them, and I suggest we
23 might try to dovetail any suggestions we have
24 from all the Conferees and try to get a coordinated
25

EXECUTIVE SESSION

1 approach and see if we can work this out.

2
3 Do you all have copies of the Federal
4 conclusions?

5 And we also have Wisconsin's.

6
7 May I suggest, just to start, to see
8 how this goes, that we read the Federal conclu-
9 sions, and I would suggest, Mr. Holmer, with
10 the Wisconsin conclusions or suggestions, that
11 any time you feel that they should work in or
12 we would modify or substitute one of yours, you
13 might call the attention of the Conferees to
14 that, because I think you are most familiar with
15 the material in yours. But there is only one
16 way to start and that is to begin.

17 CONCLUSION #1

18
19 "1. Lake Michigan is a priceless natural
20 heritage which the present generation holds in
21 trust for posterity, with an obligation to pass
22 it on in the best possible condition."

23 Are there any comments on that? Or
24 do the Conferees think that this is an agreeable
25

EXECUTIVE SESSION

way to start the conclusions?

MR. OEMING: Mr. Stein.

MR. STEIN: Yes.

MR. OEMING: I wonder if it might not be a little more precise here if we were canvassed on these rather than just throw the question open here, if you just canvassed and got an expression from each of the Conferees on this? This is rather than throw the question on the table.

MR. STEIN: All right, I think that is a fair approach.

Again, if you get passed on that, you are not passed forever. The reason I do this is to give you more flexibility.

All right.

Michigan?

MR. OEMING: Satisfactory.

MR. STEIN: Illinois?

MR. KLASSEN: O. K.

MR. STEIN: Indiana?

MR. POOLE: O. K.

MR. STEIN: And Wisconsin?

MR. HOLMER: All right.

EXECUTIVE SESSION

MR. STEIN: All right, fine.

Let's go to #2.

FROM THE AUDIENCE: Mr. Stein, would you please make more use of the microphone?

MR. STEIN: Yes.

FROM THE AUDIENCE: It is very difficult to hear you.

MR. STEIN: All right, we are going to try to do that. Now, as I told you people when you came here, this is an executive session and this is going to be a working session back and forth. We will do the best we can with the microphones.

CONCLUSION #2

"2. Water uses of Lake Michigan and its tributaries for municipal water supply, recreation, including swimming, boating, and other body contact sports, commercial fishery, propagation of fish and aquatic life, and esthetic enjoyment, are presently impaired by pollution in many parts of all four of the States that border upon and

EXECUTIVE SESSION

1
2 have common boundaries within the lake. The
3 sources of this pollution include wastes from
4 municipalities, industries, Federal activities,
5 combined sewer overflows, agricultural practices,
6 watercraft, natural runoff, and related activi-
7 ties throughout the drainage basin."

8 Illinois?

9 Wisconsin?

10 MR. HOLMER: I am not quite sure of
11 the purpose of the language in the third, fourth
12 and fifth lines, which reads, "impaired by
13 pollution in many parts of all four of the
14 States that border upon and have common boun-
15 daries within the lake." This strikes me as
16 being kind of an awkward phrase, to begin with.

17 Is it the purpose of this language to
18 indicate that this is interstate pollution? Is
19 that the purpose of this language? Otherwise
20 I think it is just awkward.

21 MR. STEIN: Mr. Poston, do you want
22 to comment?

23 MR. POSTON: Well, I think this is
24 intended to set forth that we are polluting
25

EXECUTIVE SESSION

1
2 Lake Michigan and its pollution affects our
3 water uses, and I would say that it does say
4 that it is interstate in nature.

5 MR. HOLMER: It would read so much
6 easier if there were a period after the word
7 "pollution," for example.

8 I am not trying to raise a problem
9 of whether there is interstate pollution or
10 not, because I think this is taken care of
11 later in the--

12 MR. STEIN: Where do you mean a
13 period after "pollution"?

14 MR. HOLMER: In the fourth line,
15 "The water uses of Lake Michigan are presently
16 impaired by pollution." We had evidence that
17 this is to some extent true.

18 MR. STEIN: And strike the rest?

19 MR. POSTON: I would go along with
20 that.

21 MR. OEMING: May we have an understand-
22 ing what we are talking about, Mr. Stein? Would
23 you please--

24 MR. STEIN: Yes.
25

EXECUTIVE SESSION

1
2
3 MR. OEMING: Mr. Stein, may I try
4 to clear this up now?

5 Mr. Holmer, are you saying that the
6 paragraph two would read this way:

7 "Water uses of Lake Michigan and its
8 tributaries for municipal water supply, recrea-
9 tion, including swimming, boating, and other
10 body contact sports, commercial fishery,
11 propagation of fish and aquatic life, and
12 aesthetic enjoyment, are presently impaired
13 by pollution." The rest of the paragraph be
14 stricken?

15 MR. HOLMER: No, the last of the
16 sentence is all. "The sources," include that
17 sentence.

18 MR. OEMING: Oh, I see.

19 MR. STEIN: And we strike the rest of
20 that sentence, right?

21 MR. OEMING: And then you go on and
22 say, "The sources of this pollution include
23 wastes," and so on and so forth?

24 MR. HOLMER: Yes.

25 MR. OEMING: O. K., I just wanted a

EXECUTIVE SESSION

comment.

MR. STEIN: Did you understand that proposal?

Mr. Poston, are you in agreement with that?

MR. POSTON: I will agree to that.

MR. STEIN: Mr. Oeming?

MR. OEMING: Mr. Stein, I don't know as I am clear on this, but I wonder what is the purpose of putting in "and its tributaries" if we are speaking in the context of interstate pollution of Lake Michigan. I raise a question here as to the bearing of the phrase "and its tributaries" on the water uses of Lake Michigan and the interstate problem that we are talking about in Lake Michigan.

MR. STEIN: Your proposal would be, then, to strike "and its tributaries"?

MR. OEMING: Yes, "Water uses of Lake Michigan."

MR. STEIN: This is a jurisdictional point. Do you have any problem with that?

MR. POSTON: Where is the--

EXECUTIVE SESSION

1
2 MR. STEIN: Let me read that. "Water
3 uses of Lake Michigan and its tributaries."

4 The point made by Mr. Oeming is that
5 here we are talking about effects of pollution
6 and interstate effects, and he does not see the
7 point, if we are dealing with this interstate
8 jurisdictional question, why we are dealing with
9 the tributaries in Lake Michigan which are not
10 interstate in the effects.

11 MR. POSTON: I might ask the Chairman,
12 in calling this conference, for a ruling concerning
13 the Secretary's directive when he asked us to
14 consider pollution in the basin, in the Lake
15 Michigan and the whole basin, what--

16 MR. STEIN: I think what the Secretary
17 meant was that any material that got into Lake
18 Michigan, whether it was discharged directly
19 into the lake or a tributary of the lake, would
20 be covered by the conference if this were en-
21 dangering the health and welfare of persons in
22 another State.

23 What Mr. Oeming is saying, as I under-
24 stand him on this point, is that since we are
25

EXECUTIVE SESSION

1
2 dealing with the effects of pollution, the
3 place where you get the interstate effect would
4 be in Lake Michigan and not the tributaries.

5 MR. POSTON: Well, we do have some
6 streams that are interstate, like the St. Joseph
7 River, for one, and the Menominee River.

8 MR. OEMING: Mr. Chairman, in that
9 context, then, I would say the water uses of
10 Lake Michigan and spell out the interstate
11 tributaries.

12 MR. POSTON: O. K.

13 MR. OEMING: Then I would be content.

14 MR. STEIN: All right, let's see if
15 we can--

16 MR. OEMING: If you want to be specific,
17 say the St. Joe River and others.

18 MR. STEIN: I don't know that we can
19 be that specific with all this catalogue of industries
20 for those rivers.

21 MR. HOLMER: Mr. Chairman, I think
22 the jurisdictional problem is covered in the
23 second sentence if we are willing to concede
24 that the sources of this pollution include
25 wastes from activities throughout the drainage

EXECUTIVE SESSION

basin.

MR. OEMING: I think so.

MR. HOLMER: This I think we can concede, and it would not then require tributaries--

MR. STEIN: All right. There are two proposals, to either strike out "and its tributaries" and put "and interstate tributaries". What would you suggest is the way to do this?

MR. OEMING: My suggestion, Mr. Chairman, in the light of Mr. Holmer's interpretation and yours, with the last sentence in there that you could strike "and its tributaries" and you would be saying the same thing.

MR. STEIN: Mr. Poston, are you in agreement?

MR. POSTON: Well, I still like the use of that word "interstate tributaries" there, Mr. Chairman.

MR. STEIN: All right, let us see if we can find some other Conferees and try to get a consensus.

Mr. Poole?

MR. POOLE: In view of Mr. Holmer's

EXECUTIVE SESSION

1
2 remarks, I don't see that the words "and its
3 tributaries" contribute anything.

4 MR. STEIN: Mr. Klassen?

5 MR. KLASSEN: Illinois geographically
6 is not involved in this discussion because we
7 have nothing like this, but I would say I am
8 agreeable either way. I personally would like
9 to see the tributaries spelled out rather than
10 leaving it in general on the basin, but either
11 would be O. K.

12 MR. STEIN: Yes. Here is the problem,
13 Mr. Klassen, as I see it. If we talk in terms
14 of general water uses and you list all these
15 water uses, that is all right. But if we name
16 the St. Joseph and the Menominee and then we
17 talk about all these damages, these damages
18 just aren't current in those specific uses.

19 MR. POSTON: I will concede, Mr.
20 Chairman.

21 MR. STEIN: Yes. I think this is the
22 point.

23 Let me read this in order to make sure--

24 MR. POSTON: In light of this, where
25

EXECUTIVE SESSION

1
2 it says the related activities throughout the
3 drainage basin.

4 MR. STEIN: Yes.

5 Let me read this again, so there is
6 no mistake.

7 "2. Water uses of Lake Michigan for
8 municipal water supply, recreation, including
9 swimming, boating, and other body contact sports,
10 commercial fishery, propagation of fish and
11 aquatic life, and aesthetic enjoyment are presently
12 impaired by pollution. The sources of this pol-
13 lution include wastes from municipalities,
14 industries, Federal activities, combined sewer
15 overflows, agricultural practices, watercraft,
16 natural runoff and related activities throughout
17 the drainage basin."

18 MR. OEMING: Mr. Chairman.

19 MR. STEIN: Yes.

20 MR. OEMING: Mr. Chairman, may I say
21 that Michigan now subscribes to the statement
22 as you have read it.

23 MR. STEIN: Mr. Poole?

24 MR. POOLE: We buy it.
25

EXECUTIVE SESSION

MR. STEIN: Mr. Holmer?

MR. HOLMER: Yes.

MR. STEIN: Mr. Klassen?

MR. KLASSEN: Yes.

MR. STEIN: Mr. Poston?

MR. POSTON: Yes.

MR. STEIN: All right.

CONCLUSION #3

"3. Eutrophication is a threat now to the usefulness of Lake Michigan and other lakes within the Basin. Unless checked, the aging of Lake Michigan will be accelerated by continuing pollution to the extent that it will duplicate the Lake Erie eutrophication condition. Feasible methods exist for bringing this problem under control. They need to be applied."

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: May I comment? Again I would wonder what is the pertinence of the phrase "and other lakes within the Basin" in the

EXECUTIVE SESSION

context that we are talking about Lake Michigan?

MR. STEIN: What is the meaning of that?

MR. POSTON: I think what we are talking about is there are many lakes around Lake Michigan with a similar problem.

MR. OEMING: Well, we understand that, we accept this premise. I mean there isn't any question that there is eutrophication in inland lakes.

MR. POSTON: Right.

MR. OEMING: In the context of this conference, however, what does that mean with respect to Lake Michigan? Let's say Higgins Lake in the center part of Michigan.

MR. STEIN: Your proposal, as I get it, is we put a period after Lake Michigan?

MR. OEMING: Yes.

MR. STEIN: And strike "and other lakes."

MR. POSTON: I think we have Lake Winnebago, which is one lake that has a lot of problems.

MR. STEIN: Is that an interstate problem?

EXECUTIVE SESSION

1
2
3 MR. POSTON: It flows into Green Bay;
4 it is part of the Fox River system.

5 MR. STEIN: And does it contribute
6 to the.eutrophication of the lake?

7 MR. POSTON: Well, everything that
8 comes into Lake Winnebago comes right on out
9 into--

10 MR. STEIN: I understand this. What
11 we are bothered about here is the jurisdictional
12 point.

13 I think your points are well taken,
14 but the question that is raised here is in
15 these preliminary operations when we are talking
16 about damages or effects, and we are talking
17 about interstate effects, are we stretching it
18 a little too far or in a sense weakening it by
19 not just writing the bare statement that eutro-
20 phication is a threat now to the usefulness of
21 Lake Michigan? And then we pick up all the
22 sources, whether they are a polluted lake--

23 MR. OEMING: That is right.

24 MR. STEIN: --or an industry or a city
25 or anything.

EXECUTIVE SESSION

1
2
3 MR. OEMING: You are going to pick
4 them up anyway.

5 MR. STEIN: Would this be agreeable,
6 to putting a period after Lake Michigan?

7 MR. POSTON: O. K.

8 MR. STEIN: All right.

9 Now, are there any other comments?

10 MR. OEMING: One more, Mr. Chairman,
11 for Michigan and then I will be finished.

12 MR. STEIN: Yes.

13 MR. OEMING: I wonder if it would help
14 the understanding of everybody if when we say
15 "will duplicate the lake" we qualified this and
16 said, well, ultimately or in some period of
17 time duplicate.

18 I don't feel strongly about this, but
19 I wonder if there is any point in it?

20 MR. STEIN: Mr. Klassen.

21 MR. KLASSEN: I do feel strongly about
22 bringing in Lake Erie. We have no testimony in
23 this conference about Lake Erie, and I wouldn't
24 like to say it is going to duplicate Lake Erie
25 because then I would be afraid we might have a

EXECUTIVE SESSION

1
2 tendency to duplicate the recommendations in
3 Lake Erie and I thought they were pretty weak.
4 Why can't Lake Michigan stand on its own?
5

6 MR. STEIN: I don't know how weak that
7 is in Lake Erie.

8 MR. OEMING: I don't agree with that.

9 MR. STEIN: Maybe the people don't
10 think it is weak who have to live there.

11 MR. KLASSEN: What does Lake Erie
12 have to do with this problem? We have no
13 evidence at all.

14 MR. STEIN: I agree with you.

15 MR. KLASSEN: All right.

16 MR. STEIN: I saw that when it came
17 up, and I don't know on the basis of the record
18 here that we can make any conclusions on Lake
19 Erie. The record in this conference certainly
20 wasn't directed toward the question and we don't
21 have substantiating evidence on that. I think
22 we would be well advised to stay away from it.

23 MR. OEMING: May we have a ruling from
24 the Chairman as to what we are going to do with
25 this now?

EXECUTIVE SESSION

1
2
3 MR. STEIN: Can we say, "Unless
4 checked, the aging of Lake Michigan will be
5 accelerated by continuing pollution" period?

6 MR. OEMING: Right.

7 MR. STEIN: All right? Because the
8 other, as far as this conference, is gratuitous.

9 MR. OEMING: That is a good word.

10 MR. POOLE: Now would you read that,
11 Mr. Chairman?

12 MR. STEIN: Yes. Here is how we have
13 it, and I will entertain further changes:

14 "Eutrophication is a threat now to
15 the usefulness of Lake Michigan. Unless checked,
16 the aging of Lake Michigan will be accelerated
17 by continuing pollution."

18 And then the other two sentences follow:

19 "Feasible methods exist for bringing
20 this problem under control. They need to be
21 applied."

22 All right?

23 MR. OEMING: Michigan now subscribes.

24 MR. HOLMER: I want to be real sure.
25 I know we are all agreed that eutrophication

EXECUTIVE SESSION

1
2 needs to be the object of our attention and our
3 aggressive action to abate and reverse it. But
4 I am not sure that we may not in that next
5 sentence be stating more than we can state with
6 certainty: "Feasible methods exist for bringing
7 this problem under control." I hope this is true.
8 We heard evidence that there are things that can
9 be done and certainly we want to do them. But
10 I think it is a little strong.

11 MR. STEIN: O. K. We want to entertain
12 the points, but I think it might be helpful, if
13 you can, when you raise your points to come up
14 with a suggestion for a drafting change one way
15 or the other. You may want to think about that,
16 but I would like that point raised by Mr. Holmer
17 to be opened for discussion.

18 MR. OEMING: Mr. Chairman.

19 MR. STEIN: Yes.

20 MR. OEMING: As I understand the issue
21 here now, it is over this bringing the problem
22 under control, Mr. Holmer, and I wonder if a
23 change in wording might be inserted that feasible
24 methods exist for removal of phosphates from
25

EXECUTIVE SESSION

sewage and wastes, point sources of sewage and wastes.

MR. HOLMER: I wouldn't argue about that. I am not sure whether that is all we ought to say about it.

MR. STEIN: Do you have a suggestion?

MR. HOLMER: I didn't have any language on this precise point. I was raising the question.

MR. STEIN: Well, let's try it this way. Let's try to get Mr. Oeming's suggested language. And again this is a draft and this is a key point.

How would you say that again, Mr. Oeming?

MR. OEMING: I would strike "bringing this problem under control" and insert in lieu thereof "for removing phosphates from sewage and from point sources of sewage and waste discharges."

MR. STEIN: Why do you say point sources?

MR. OEMING: O. K., if you don't want to use point sources--

MR. POSTON: How about the word nutrients?

EXECUTIVE SESSION

1
2 MR. STEIN: For removing phosphates
3 from--

4 MR. OEMING: Sewage and waste dis-
5 charges.

6 MR. STEIN: --sewage and industrial
7 waste discharges?

8 MR. OEMING: Yes.

9 MR. STEIN: Let's try it that way.

10 MR. OEMING: Kick that one out and let
11 them shoot it down.

12 MR. STEIN: All right.

13 Are there any other comments?

14 If not, do you have any objection
15 to the last sentence, "They need to be applied"?

16 MR. OEMING: No.

17 MR. STEIN: O. K.

18 Let me read this again in total and
19 see if we may have a possible agreement:

20 "Eutrophication is a threat now to
21 the usefulness of Lake Michigan. Unless checked,
22 the aging of Lake Michigan will be accelerated
23 by continuing pollution. Feasible methods exist
24 for removing phosphates from sewage and industrial
25

EXECUTIVE SESSION

waste discharges. They need to be applied."

All right?

FROM THE AUDIENCE: Are phosphates the only contributors to eutrophication?

MR. STEIN: Pardon?

MR. MITCHELL: I would hope that the inference is not given to the people here today that we are not concerned about removal of phosphates from our inland lakes because we struck out that last part of the first sentence.

MR. STEIN: Oh, no, no, no. Here, let me make this abundantly clear, Mr. Mitchell. I think you put your finger on something that has to be very clear.

We recognize that what we are doing in this enforcement conference is limited by the Federal jurisdiction to interstate waters if we are going to clean up the phosphate problem. This necessarily has to be a primary responsibility of the States.

We are just in a Federal-State enforcement case dealing with the aspects of the problem

EXECUTIVE SESSION

1
2 which endanger health or welfare of persons in
3 States other than that in which the discharge
4 originates.

5 I would say for Indiana and perhaps
6 Michigan, the bulk of your program is going
7 to be directed to the danger to the people
8 within your State, but that is not the province
9 of this conference. And I think when the State
10 people raise this question, they are entirely
11 correct, it doesn't mean that this isn't at
12 least as important a problem as we are dealing
13 with here.

14 Let me go through #3 again.

15 Michigan, are you in agreement with
16 it as redrafted?

17 MR. OEMING: I am satisfied.

18 MR. STEIN: Indiana?

19 MR. POOLE: Yes, we are in agreement.

20 MR. STEIN: Wisconsin?

21 (No response.)

22 (Mr. Klassen raised his hand.)

23 MR. STEIN: Mr. Poston, are we in shape?

24 MR. POSTON: Feasible methods of
25

EXECUTIVE SESSION

1
2 removing phosphates from sewage and industrial
3 waste discharges, is this the--

4 MR. STEIN: Yes.

5 MR. POSTON: Is "discharges" on there?

6 MR. STEIN: Yes.

7 MR. OEMING: Yes.

8 MR. KLASSEN: Read the last sentence
9 the way you have it.

10 MR. STEIN: I think you mean the next
11 to the last.

12 MR. KLASSEN: Yes, that is right.

13 MR. STEIN: "Feasible methods exist
14 for removing phosphates from sewage and industrial
15 waste discharges." And then, "They need to be
16 applied."

17 MR. HOLMER: Mr. Chairman, I would
18 like to avail myself of the privilege of going
19 back.

20 MR. STEIN: Sure.

21 MR. HOLMER: The word "removal" is
22 a little absolute.

23 MR. STEIN: What would you suggest?

24 MR. HOLMER: Reduction or something
25

EXECUTIVE SESSION

1
2 of that sort? Removal implies 100 percent and
3 nobody has said that yet except in the laboratory.
4

5 MR. OEMING: Gee, I don't know. I
6 wouldn't look at it that way.

7 MR. STEIN: Again, these are words
8 of art. I am not sure that there is unanimity
9 on that, on the meaning of the word "removal".
10 It didn't have that meaning, I don't think, to
11 Mr. Oeming or to me.

12 If this is unclear, I think we should
13 clarify it, but is this a real point.

14 MR. HOLMER: The word "partial" would
15 clarify it for me, but that sounds too--

16 MR. STEIN: Or you could say "sub-
17 stantial removal" if you want to.

18 MR. HOLMER: All right.

19 MR. POSTON: Do you want to say 90
20 percent or 95?

21 MR. OEMING: No, no.

22 MR. STEIN: No, no. You see, now we
23 have kicked over the traces.

24 (Laughter.)

25 Let's work this one step at a time.

EXECUTIVE SESSION

For substantially removing or--

MR. HOLMER: If the other Conferees have no problem with the word "removal", I will withdraw.

MR. OEMING: I would like to satisfy Mr. Holmer. If "substantial" would satisfy him--

MR. STEIN: Would "substantial" satisfy you?

MR. HOLMER: Yes.

MR. STEIN: Let's change the participle to make it read a little better. "For substantial removal of phosphates." O. K.?

O. K., we are in agreement on 3.

Let's go to 4.

CONCLUSION #4

"4. Evidence of severe bacterial pollution of tributaries has been found in the Fox River between Lake Winnebago and Green Bay, Wisconsin; in the Milwaukee River within Milwaukee County, Wisconsin; in and downstream from cities along the Grand River in Michigan

EXECUTIVE SESSION

1
2 and the St. Joseph River in Indiana and
3 Michigan; and in the streams of the Calumet
4 area, Illinois and Indiana. Although the
5 bacterial quality of Lake Michigan is generally
6 good in deep water, the water is degraded along
7 the shoreline and in harbor areas."

8 Any comment? Michigan?

9 MR. OEMING: Yes, I have a comment,
10 Mr. Chairman. In view of the discussion on
11 the previous three points, I question how
12 pertinent this statement is with respect to the
13 waters of the Grand River in Michigan below
14 Lansing, let's say, and the record that was
15 presented at the conference did not show an
16 excessive bacterial pollution in the St. Joseph
17 River, at least to the point where it affected
18 Lake Michigan.

19 And in the last sentence, this is too
20 sweeping a statement since on the Lake Michigan
21 shoreline there are no beaches which from tests
22 are even suspicious as to the degradation that
23 is talked about here.

24 MR. STEIN: You mean along the Michigan--
25

EXECUTIVE SESSION

1
2 MR. OEMING: Shoreline.

3 MR. STEIN: You mean in the State
4 of Michigan?

5 MR. OEMING: Yes.

6 MR. STEIN: You are not talking about
7 beaches in the whole lake?

8 MR. OEMING: Only about Michigan.

9 MR. STEIN: All right.

10 MR. OEMING: But the first portion
11 of this I question, in the light of your
12 comments and the previous discussion about
13 interstate pollution here.

14 MR. HOLMER: Was there evidence of
15 interstate bacterial pollution presented at
16 the conference? We are concerned, obviously,
17 about bacterial pollution, I am not raising
18 that question, but I am wondering whether this
19 is an appropriate conclusion of this conference.

20 MR. STEIN: Mr. Poston or Mr. Schneider?

21 MR. POSTON: I think what we are
22 saying here is evidence of severe bacterial
23 pollution of tributaries has been found in the
24 Fox River and in the other locations, the
25

EXECUTIVE SESSION

1
2 Milwaukee River. I think this is what we
3 are saying here.
4

5 MR. POOLE: Well, I want to agree at
6 least in part with Mr. Oeming, that in my
7 judgment, at least, there is severe bacterial
8 pollution in the St. Joseph River immediately
9 below the Indiana-Michigan State line, but I
10 question very seriously if this bacterial
11 pollution has much, if any, effect on Lake
12 Michigan.

13 Now, on the second point, which is
14 the last sentence, I don't think that the water
15 is degraded along the entire shoreline of Lake
16 Michigan within the State of Indiana, for
17 example. And I think that last sentence is
18 too sweeping a statement.

19 MR. STEIN: Are there any other
20 comments?

21 Is there a suggestion for modifying
22 this, changing it, or how do you want to dispose
23 of this point?

24 MR. POOLE: Well, I think I could buy
25 it, just to get something started, without

EXECUTIVE SESSION

1
2 quibbling about the first sentence, provided
3 you doctored up that last phrase in the second
4 sentence.

5 MR. POSTON: Could we put in some
6 modifying term, "at points along the shoreline"?

7 MR. POOLE: Water is degraded at
8 points or sections, or something like that,
9 along the shoreline.

10 MR. STEIN: "Degraded at points."
11 Could we say--is "many" points too strong?

12 MR. OEMING: "At some points along
13 the shoreline."

14 MR. STEIN: "At some points."

15 MR. OEMING: I would buy "at some
16 points."

17 MR. STEIN: All right.

18 All right, now, are there any other
19 comments?

20 MR. POSTON: Read that, would you,
21 Mr. Chairman?

22 MR. STEIN: "Although the bacterial
23 quality of Lake Michigan is generally good in
24 deep water, the water is degraded at some points
25

EXECUTIVE SESSION

1
2 along the shoreline and in harbor areas."

3 MR. OEMING: The point, I think, Mr.
4 Chairman, here that I want to be sure we are
5 clear on is that we are not contesting the fact
6 that bacterial quality in the Grand River in
7 Michigan below Lansing, let's say, is not
8 degraded or is degraded. We are not contesting
9 this.

10 The only question in my mind is, as
11 Mr. Poole has pointed out, does this degradation
12 carry over to affect the lake?

13 MR. STEIN: Well, I think the last
14 sentence--

15 MR. OEMING: And I want to be sure
16 that it doesn't say that.

17 MR. STEIN: Well, it doesn't, as I
18 read the last sentence. It says, "Although
19 the bacterial quality of Lake Michigan is
20 generally good in deep water, the water is
21 degraded at some points along the shoreline
22 and in harbor areas." I think we are--

23 MR. OEMING: I think we are all right.

24 MR. STEIN: I think it is clear.
25

EXECUTIVE SESSION

MR. OEMING: I think it is all right.

MR. STEIN: As I read that, we are not dealing with, except on some of your rivers that I am not going to get into here, but as far as Lake Michigan is concerned we are not dealing with an interstate bacterial effect.

MR. OEMING: Yes.

MR. STEIN: O. K.

MR. OEMING: O. K.

MR. STEIN: Mr. Oeming, what do you think of 4?

MR. OEMING: I am satisfied, with the insertion of the phrase "at some points" after the word "degraded," to leave paragraph 4 the way it is.

MR. STEIN: Mr. Poole?

MR. POOLE: We are satisfied.

MR. STEIN: Mr. Holmer?

MR. HOLMER: No objection.

MR. STEIN: Mr. Klassen?

(No response.)

MR. STEIN: Mr. Poston?

MR. POSTON: All right.

EXECUTIVE SESSION

MR. STEIN: All right, let's go on with
#5.

CONCLUSION #5 AND #6

"5. Pollution has contributed to the growth of excessive inshore algal populations which have occurred in the vicinity of Manitowoc to Port Washington, Wisconsin; Chicago, Illinois; the entire eastern shore of Lake Michigan, and near Manistique, Michigan. Short filter runs in water treatment plants have occurred at Green Bay, Sheboygan, and Milwaukee, Wisconsin; Waukegan, Evanston, and Chicago, Illinois; Gary, and Michigan City, Indiana; Benton Harbor, Holland, Grand Rapids, and Muskegon, Michigan and other cities. Phosphate fertilizer concentrations now exceed critical algal growth values in many areas. Excessive sludgeworm populations, indicating pollution of lake bed sediments, have been found at points one mile off the shore near Manitowoc; Sheboygan; Port Washington, Wisconsin to Waukegan, Illinois; and Chicago, Illinois to

EXECUTIVE SESSION

Muskegon, Michigan. Sludgeworms were not found in shallow waters subject to wave action."

What do you mean by "short filter runs"?

MR. POSTON: This is in the water treatment plants the algae tend to plug up the sand beds and require frequent washing.

MR. STEIN: This is just a clarifying suggestion. When you talk about "short filter runs in water treatment plants have occurred," I am suggesting that this may be a word of art or a phrase of art which is incomprehensible to any but the experts. Possibly if we are going to commune with people other than--

MR. POSTON: Could we say "interference with water treatment plant operations have occurred at"--

MR. STEIN: Yes, I think so, "because of algae."

MR. POSTON: O. K.

MR. OEMING: Yes. Yes. O. K.,

MR. STEIN: Are there any comments on this with that change? I think that was just clarifying.

EXECUTIVE SESSION

MR. POOLE: Read it.

MR. STEIN: All right. That sentence starts this way now, instead of "short filter runs in the water treatment plant":

"Interference with water treatment plant operations because of algae have occurred at"--

MR. OEMING: Yes. O. K.

Are you ready for other comments?

MR. STEIN: Yes, now we are ready for comments.

MR. OEMING: Mr. Chairman, I am not certain--I am fairly certain, let's say, that the question about the entire eastern shore was fully resolved at the conference from the record at the conference, and I particularly remember this because I questioned Dr. Bartsch about his findings. And if I remember the testimony correctly, he had identified algal problems up as far as Muskegon, and I asked him whether he knew of algal problems north of Muskegon on the Michigan shore. He said he did not, but that was not because they weren't there

EXECUTIVE SESSION

1
2 but because he hadn't looked at it.

3 Now, under those circumstances, the
4 entire eastern shore may be somewhat presumptuous
5 here, and I wonder if we couldn't be a little
6 more specific. We would be willing to go on
7 the eastern shore as far as--what?

8 And I would also like to see that
9 possibilities exist beyond this. I mean I
10 don't want to rule this out, you understand.

11 MR. POOLE: Well, would anybody
12 object to just striking the word "entire" and
13 just say the eastern shore of Lake Michigan?

14 MR. OEMING: No. That would be all
15 right. That would leave me running room here
16 to deal with other problems that haven't been
17 identified here at the conference.

18 MR. STEIN: Where is that?

19 MR. OEMING: Just "entire," just
20 strike that word.

21 MR. STEIN: All right. Are there any
22 other comments?

23 MR. POOLE: I don't think the words
24 "phosphate fertilizer concentrations" contribute
25

EXECUTIVE SESSION

1
2 much.

3 MR. POSTON: I would eliminate the
4 word "fertilizer."

5 MR. STEIN: What line is that in?

6 MR. POOLE: Right after the word
7 "cities."

8 MR. STEIN: You want just to strike
9 "fertilizer", right?

10 MR. POOLE: Yes, just "phosphate
11 concentrations."

12 MR. STEIN: All right.

13 MR. POOLE: Now, one other point,
14 and I raised this issue before, about the
15 sweeping statement that sludgeworms existed
16 from Chicago to Muskegon, Michigan. And I
17 note the sentence that has been added which
18 says "Sludgeworms were not found in shallow
19 waters subject to wave action."

20 I am still raising the question as
21 to what evidence is there that sludgeworms
22 exist all the way from Chicago to Muskegon?
23 I didn't get it; I might have been asleep during
24 that part of the testimony.
25

EXECUTIVE SESSION

1
2 MR. STEIN: If you were asleep, we were
3 dreaming the same dream.

4 (Laughter.)

5 MR. POSTON: I think what we have
6 reference to is in this report on the biology
7 and the chart with sludgeworm population
8 numbers per square meter which shows the
9 existence of sludgeworms in varying quantities,
10 probably not right up close next to the shore-
11 line, but all the way up here to Muskegon.

12 MR. POOLE: My question is how many
13 sampling stations did you have in that stretch
14 of the river? Were they 100 feet apart, 100
15 yards apart, 10 miles apart, or what?

16 MR. POSTON: Grover, can you give us
17 that information?

18 MR. COOK: Yes, this was based on about
19 750 sampling stations. The stations were 1
20 mile offshore, 7 miles offshore, 10 miles, and
21 then scattered in the middle part of the lake.
22 They were, as I recall, about a mile apart along
23 that shoreline.

24 MR. POOLE: You found sludgeworms at
25

EXECUTIVE SESSION

1
2 every one of them?

3 MR. COOK: Absolutely. The only
4 reason we didn't find them in the shallow water
5 was because the sediments just weren't permitted
6 to occur that would encourage the growth of
7 sludgeworms.

8 MR. KLASSEN: That is shallow water--

9 MR. COOK: Shallow water is where
10 wave action shifts the sand.

11 MR. KLASSEN: Three or four feet?

12 MR. STEIN: What depth?

13 MR. COOK: Oh, up to about 50 or 60
14 feet. From 50 or 60 feet shoreward you don't
15 find the kind of bottom that will permit the
16 growth of sludgeworms because of the shifting
17 sands. I may be wrong about that; 50 or 60
18 sounds too high. Probably 30 or 40 feet.

19 MR. STEIN: All right, are we in
20 pretty much agreement on this?

21 I think so. This is a technical
22 evidentiary point anyway, and I think it is
23 an indication of the ubiquitousness of the
24 sludgeworms that they are found at every
25

EXECUTIVE SESSION

sampling point, even if they are not proved at every inch. It makes the point.

Are there any other suggestions or modifications here? If not, maybe I should read this again:

"5. Pollution has contributed to the growth of excessive inshore algal populations which have occurred in the vicinity of Manitowoc to Port Washington, Wisconsin; Chicago, Illinois; the eastern shore of Lake Michigan, and near Manistique, Michigan. Interference with water treatment plant operations because of algae have occurred at Green Bay, Sheboygan, and Milwaukee, Wisconsin; Waukegan, Evanston, and Chicago, Illinois; Gary and Michigan City, Indiana; Benton Harbor, Holland, Grand Rapids, and Muskegon, Michigan, and other cities. Phosphate concentrations now exceed critical algal growth values in many areas. Excessive sludgeworm populations indicating pollution of lake bed sediments have been found at points one mile offshore near Manitowoc; Sheboygan; Port Washington,

EXECUTIVE SESSION

1
2 Wisconsin, to Waukegan, Illinois; and Chicago,
3 Illinois, to Muskegon, Michigan. Sludgeworms
4 were not found in shallow waters subject to
5 wave action."

6 Mr. Oeming?

7 MR. OEMING: Satisfactory.

8 MR. STEIN: Mr. Poole?

9 MR. POOLE: I'll buy it because I find
10 the words "at points one mile offshore."

11 (Laughter.)

12 MR. STEIN: Right. I was going to
13 bring that up as a rebuttal to your next point.

14 Mr. Holmer?

15 MR. HOLMER: I would raise one further
16 question about this paragraph. The first part
17 of it relates to algal growth and phosphates and
18 then we skip to sludgeworms. Should we have a
19 new number?

20 MR. STEIN: Yes, I wondered about that
21 too.

22 What do you think? Why did you put
23 them together?

24 MR. OEMING: I think it would be
25

EXECUTIVE SESSION

relative.

MR. POSTON: Maybe when we get all done we could take all the numbers out.

MR. STEIN: Well, I am not sure that you should not--

How about putting 6 before excessive sludgeworm populations? Right?

MR. OEMING: Yes, I like that.

MR. STEIN: Let's have action.

Can we have a reratification? Mr. Poole, do you agree with 5 and 6?

Mr. Klassen?

MR. KLASSEN: Yes, I agree, particularly because there are no sludgeworms, apparently, between Waukegan and Chicago. That is 40 miles; sounds good.

(Laughter.)

MR. STEIN: Maybe you rely on wave action.

Mr. Poston?

MR. POSTON: O. K.

MR. STEIN: Right.

Number 6.

EXECUTIVE SESSION

MR. OEMING: Number 7 now.

MR. STEIN: Seven, yes, Number Seven.

CONCLUSION #7

"7. The small quantity of oxygen normally dissolved in water is perhaps the most important single ingredient necessary for a healthy, balanced, aquatic life environment. The discharge of treated and untreated municipal and industrial wastes with their high concentrations of biochemical oxygen demand have caused oxygen depletion in many of the Lake Michigan tributaries and in some harbors. At present the main body of Lake Michigan has not evidenced signs of oxygen deficiency."

Any comment?

Yes.

MR. HOLMER: Could we delete the word "their" in the fourth line as being too inclusive? There are some--

MR. STEIN: Yes. How about that?

MR. POSTON: Yes.

EXECUTIVE SESSION

MR. STEIN: Strike "their" in the fourth line.

MR. POSTON: O. K.

MR. STEIN: Are we ready with that? I don't think I have to reread that, if there are no further changes.

Mr. Oeming?

MR. OEMING: Satisfactory.

MR. STEIN: Mr. Poole?

MR. POOLE: O. K.

MR. STEIN: Mr. Holmer?

MR. HOLMER: O. K.

MR. STEIN: Mr. Klassen?

(No reply.)

MR. STEIN: Mr. Poston?

MR. POSTON: Satisfactory.

MR. STEIN: Number 8.

CONCLUSION #8

"8. In addition to one existing nuclear power plant, five nuclear power plants, three of which will have twin reactors, are

EXECUTIVE SESSION

1
2 proposed or under construction at Lake Michigan
3 cities for completion between 1970 and 1973.
4 A special evaluation of the combined impact
5 of siting many reactors on the shores of the
6 lake, in relation to retention and flushing
7 characteristics and to accumulation of radio-
8 nuclides in aquatic organisms, is desirable."

9 Do you take this up later in the
10 specific recommendations?

11 MR. POSTON: Yes, in the recommenda-
12 tions.

13 MR. STEIN: All right.

14 MR. OEMING: I have a question.

15 MR. STEIN: All right, Mr. Oeming?

16 MR. OEMING: Mr. Chairman, I don't
17 question the sentence itself, the last sentence,
18 but I question whether it is in the proper place
19 here. This begins to take on the aspect of a
20 conclusion--I mean of a recommendation--

21 MR. STEIN: Right.

22 MR. OEMING: --rather than a conclusion.

23 MR. STEIN: What do you think about that?

24 MR. POSTON: It is covered in the
25

EXECUTIVE SESSION

recommendations.

MR. OEMING: Yes. Well, when we say something is desirable, it begins to take on that aspect. You are trying to formulate a conclusion and your conclusion is well stated, I mean the conclusion I think is well stated. We might modify this some way to cover what you are trying to get at without getting a recommendation mixed up here.

MR. STEIN: Right.

Can we say something like this--unless you have something else to suggest, and I am just trying to get the sense of it--can we say:

"The combined impact of siting many reactors on the shores of the lake, particularly in relation to retention and flushing characteristics and the accumulation of radionuclides in aquatic organisms may raise significant pollution control problems."

MR. POSTON: O. K., I'll buy it.

MR. OEMING: Yes.

MR. HOLMER: Mr. Stein?

MR. STEIN: Yes.

EXECUTIVE SESSION

1
2 MR. HOLMER: On page 4 of the Wisconsin
3 statement, the third paragraph reads:

4 "The use of Lake Michigan for cooling
5 waters for massive new petrochemical and nuclear
6 electrical generating plants creates thermal
7 changes which may have an adverse effect on the
8 condition of the lake."

9 MR. STEIN: What do you think about
10 that?

11 MR. HOLMER: For one thing, I don't
12 understand flushing and retention characteristics.
13 I am not sure what that means. That may refer
14 to this business of warming the water. But if
15 it doesn't, I don't see reference to that part
16 of our problem anywhere in the conclusions.

17 MR. STEIN: That is the point. Yours
18 is a little broader, because you bring up petro-
19 chemical as well as nuclear.

20 What would you think of using Mr.
21 Holmer's second sentence, at least?

22 MR. OEMING: Mr. Chairman, may I
23 comment?

24 MR. STEIN: Yes. Mr. Oeming?
25

EXECUTIVE SESSION

1
2
3 MR. OEMING: I kind of like what you
4 have said, using the phrase "particularly in
5 relation to."

6 MR. STEIN: Yes.

7 MR. OEMING: And then instead of
8 "may raise problems," I think "may have adverse
9 effects upon the lake."

10 MR. STEIN: Yes.

11 MR. OEMING: Pollution problems, and
12 this is getting pretty general.

13 MR. STEIN: Yes.

14 MR. POOLE: Well, my observation, if
15 I listened to Freeman correctly, was he was
16 confining it pretty much to temperature, and
17 I had interpreted this #7 as talking about nuclear
18 plants as an attempt to cover both, as far as I
19 am concerned, temperature and radionuclides in
20 the water.

21 MR. OEMING: Yes.

22 MR. STEIN: Right.

23 MR. OEMING: In that context, I like
24 this.

25 MR. STEIN: Right. Let me try to reread

EXECUTIVE SESSION

1
2 this and let's see if we can work it out:

3 "In addition to one existing nuclear
4 power plant, five nuclear power plants, three
5 of which will have twin reactors, are proposed
6 or under construction at Lake Michigan cities
7 for completion between 1970 and 1973. The
8 combined impact of siting many reactors on the
9 shores of the lake, particularly in relation
10 to retention and flushing characteristics and
11 to accumulation of radionuclides in aquatic
12 organisms, may have adverse effects upon the
13 lake."

14 Now, let me raise the point that Mr.
15 Holmer raised. Are we communicating when we
16 talk about retention and flushing characteristics
17 or what do you mean? Do you mean that is going
18 to raise the temperature? Because if it is not
19 clear to the Conferees around here, it is sure
20 not going to be clear to people outside the field.

21 MR. SCHNEIDER: I think in the report
22 it was brought out that there may be a buildup
23 or could be a buildup of radionuclides to all of
24 these sources, and because of the low volume of
25

EXECUTIVE SESSION

outflow that this is a special problem.

MR. STEIN: In other words, you are not talking about temperature here at all?

MR. SCHNEIDER: No, I don't think--

MR. OEMING: Not exclusively, are you?

MR. SCHNEIDER: I don't think so.

MR. POSTON: Not exclusively.

MR. OEMING: No, I don't think so.

MR. STEIN: But you don't bring it up at all here, right? When you are talking about retention and flushing characteristics, as I understand it, Mr. Holmer, they don't relate it as we might have thought, and I thought this at first, that they relate this to temperature. They are talking about the possible radioactive effect.

Now, I think if we are dealing with both temperature and radioactivity, let's say so.

MR. SCHNEIDER: All right.

MR. STEIN: All right, let's look at that again.

"The combined impact of siting many reactors on the lake, particularly to"--

EXECUTIVE SESSION

1
2 MR. MITCHELL: "May create thermal
3 changes."

4 MR. STEIN: Well, "particularly in
5 relation to heating of water"?

6 MR. SCHNEIDER: Waste heat.

7 MR. STEIN: Waste heat, waste water
8 heat, right?

9 MR. OEMING: Mr. Chairman, may I
10 suggest for a moment, could we suspend discussion
11 here? I think we may have some wording that will
12 clear this up. If you will just give us a minute,
13 I want to confer with Mr. Cook. Could we come
14 back to this?

15 MR. STEIN: Yes. All right.

16 MR. OEMING: Where is Mr. Cook? Put
17 out a call for him, will you?

18 MR. POSTON: Grover?

19 MR. OEMING: Yes.

20 MR. STEIN: All right, we will get him.
21 In order not to lose any time, can we
22 take up the next one?

23 All right, let's go to #9.
24
25

EXECUTIVE SESSION

CONCLUSION #9

"9. Watercraft of all types plying the waters of Lake Michigan and its tributaries are contributors of both untreated and inadequately treated wastes in local harbors and in the open lake, and intensify local problems of bacterial pollution."

MR. OEMING: Well, I stumble over "all types", Mr. Chairman. I am not sure that a rowboat or an outboard motor is contributing untreated sewage to the lake.

MR. STEIN: Well, let's strike "of all types", O. K.?

You know, I wonder why we use a general term like watercraft and then not try to get specific and particularize and say "of all types." You know, this is a good type of redundancy.

(Laughter.)

I come from New York and the master was Harry Balogh, who was the announcer at Madison Square Garden years ago. One of his favorite

EXECUTIVE SESSION

phrases was "Once again let me reiterate."

(Laughter.)

Let's go to watercrafts.

MR. OEMING: Plying the waters.

MR. STEIN: Right.

MR. HOLMER: Do you want the word
"bacterial" in the last line?

MR. STEIN: Do you want just bacterial?
Why don't we strike that? In talking about a
nutrient problem--

MR. OEMING: Yes, I would kind of like
to strike "bacterial", make it more broad.
Broaden it.

MR. STEIN: --"and intensify local
pollution problems," it should be. for a literary
sense, right? All right.

MR. POSTON: How does this read now?

MR. STEIN: It reads now:

"Watercraft plying the waters of Lake
Michigan and its tributaries are contributors
of both untreated and inadequately treated wastes
in local harbors and in the open lake, and
intensify local pollution problems."

EXECUTIVE SESSION

MR. OEMING: I buy it.

MR. STEIN: Mr. Oeming?

MR. OEMING: I buy it.

MR. STEIN: Mr. Poole?

MR. POOLE: We buy it.

MR. STEIN: Mr. Holmer?

MR. HOLMER: O. K.

(Mr. Klassen raised his hand.)

MR. STEIN: Mr. Poston?

MR. POSTON: Yes.

MR. STEIN: Mr. Klassen does too, just saying this for the record.

Where is Mr. Cook, off looking for the sandwich island?

MR. POSTON: Here he is, here is Grover.

MR. STEIN: Number 10.

CONCLUSION #10

"10. Oil discharges from industrial plants and commercial ships, and careless loading and unloading of cargos, despoil beaches and

EXECUTIVE SESSION

other recreational areas, contribute to taste and odor problems and treatment problems at water treatment plants, coat the hulls of pleasure boats, and may be toxic to fish and other aquatic life."

I have one kind of technical comment. Is that oil selective, it just coats the hulls of pleasure boats and misses the other boats?

(Laughter.)

MR. POOLE: Strike the word "pleasure" and make it just "the hulls of boats."

MR. KLASSEN: Not only boats, it coats the beaches too.

MR. STEIN: I think this is specific enough.

Are there any other comments on this?

Let's poll the group. Mr. Poole, do you have any comment?

MR. POOLE: I am happy if you strike the word "pleasure".

MR. STEIN: Right.

Did you look at the new #10?

MR. OEMING: Yes, but I am lost at what

EXECUTIVE SESSION

1
2 we are striking and what we are not.

3 MR. STEIN: We are striking "pleasure";
4 "the hulls of boats."

5 MR. OEMING: Oh, all right.

6 MR. STEIN: You may have one in Michigan
7 that can pick out the pleasure boats, but they
8 don't have it in the other States.

9 (Laughter.)

10 Mr. Klassen?

11 MR. KLASSEN: It is all right. I just
12 wonder whether instead of "toxic" we could say
13 "deleterious."

14 MR. STEIN: Yes. How about that?

15 MR. KLASSEN: It might give it a bad
16 taste and still be all right.

17 MR. STEIN: Right. All right?

18 MR. OEMING: Mr. Chairman, this is
19 fine as far as it goes, and I hope somewhere in
20 here we can touch upon this problem of ship
21 wrecks or abandoned ships in the lake, and I
22 brought that out at the conference. I don't
23 think that is going to be the last time we are
24 going to face up to that problem. This is a
25

EXECUTIVE SESSION

1
2 potential here that I think I would like to
3 see the Conferees recognize.

4 MR. STEIN: Yes. Well, I don't think
5 that is covered here.

6 MR. OEMING: I am wondering, if we
7 are going to put it in, maybe it ought to be
8 here.

9 MR. POSTON: Yes.

10 MR. OEMING: I don't have wording on
11 this, but--

12 MR. SCHNEIDER: Are you talking about
13 the States recommending action on this Federal
14 legislation? That affects this.

15 MR. OEMING: Yes, yes, yes.

16 MR. STEIN: Really, with the discharges,
17 "careless loading"--

18 MR. OEMING: We have to deal with this
19 other in terms of potential sources, you see.

20 MR. STEIN: I think that probably should
21 be a special point.

22 MR. OEMING: All right, I am willing
23 to reserve that.

24 MR. STEIN: I am not trying to rule here,
25

EXECUTIVE SESSION

1
2 because you really have a good point.

3 MR. POOLE: I missed part of the
4 expression. I take it you were talking about
5 oil within a tanker, is that it?

6 MR. OEMING: Yes, yes.

7 MR. POOLE: Can you resolve all that
8 by just striking the word "discharges" and saying
9 "oils and industrial plants and commercial ships"?
10

11 MR. OEMING: Floating or sunk.

12 MR. HOLMER: On page four of our state-
13 ment, again, we dealt with this more broadly and
14 we avoided the problem of oil, per se, and ships,
15 and so on, by saying, "The danger of spills of
16 pollutant chemicals, whether accidental or
17 deliberate, is so prevalent that it must be con-
18 sidered as a source and treated as such."

19 Now, these are the conclusions and later
20 we will make recommendations relating to it.
21 Would not this sentence meet your need?

22 MR. POSTON: I think we should recognize
23 oil, because there are probably more emergencies
24 created by oil spills than any other one thing,
25 and they receive great attention.

EXECUTIVE SESSION

1
2
3 MR. HOLMER: Well, but we will need,
4 then, to have another conclusion relating to other
5 pollutant chemicals, is my point.

6 MR. STEIN: Yes.

7 MR. HOLMER: And I am trying to short
8 circuit the problem.

9 MR. SCHNEIDER: Couldn't you just
10 add "particularly"?

11 MR. HOLMER: I would have no objection,
12 or "notably oil", or something of that sort.

13 MR. MITCHELL: If you would read #10
14 as a general statement, oil is a pollutant
15 problem in any water, and what we are trying
16 to say is that recently it has become a more
17 prevalent danger in Lake Michigan, aren't we,
18 to emphasize it rather than to make just a
19 broad general statement?

20 MR. STEIN: That is right, I think so.

21 MR. MITCHELL: And I don't think we
22 can give the emphasis to it that will reflect
23 the concern which has been indicated just by
24 making a generalized statement.

25 MR. STEIN: Would you consider oil a

EXECUTIVE SESSION

pollutant chemical, sir?

MR. MITCHELL: Yes, sir.

MR. STEIN: Oh, you do?

MR. MITCHELL: Oh, yes.

MR. STEIN: All right, let me try this
on for size, if we can do this as a conclusion:

"The danger of spills of pollutant
chemicals, particularly oil, whether accidental
or deliberate, is so prevalent that it must be
considered a significant source of pollution of
the waters of Lake Michigan and treated as such."

MR. OEMING: You did pretty well off
the top of your head.

MR. STEIN: Well, it is largely using
his words.

O. K.? And that may be able to handle
this 10.

MR. MORTON: He keeps saying 10. We
are working on #9.

MR. OEMING: It is a new number 10.

MR. STEIN: It is a new number.

MR. MORTON: O. K.

MR. STEIN: Is that all right?

EXECUTIVE SESSION

Now, do you want to get into any of the specifics? Do you want to get into any of these specifics?

MR. SCHNEIDER: I think what we tried to do with 10 was identify some of the specific sources. And I think this is what you were trying to do, wasn't it?

MR. OEMING: Yes.

MR. SCHNEIDER: Identify a specific source as the spills from vessels.

MR. OEMING: Yes. Yes.

MR. STEIN: Now, do you want to get into specific sources after that or are we narrowing it too much?

MR. HOLMER: Our point is that we need a whole system of surveillance on these potential dangers throughout the basin and the development of appropriate responsive mechanisms.

MR. STEIN: I think we are going to get to that later. But I wonder, have you laid the groundwork, do you think, with this broad statement and we will pick up the other later?

The point is, if he is talking about

EXECUTIVE SESSION

1
2 pollutant chemicals and oil, the lists, the
3 specific lists you have, relate to damages just
4 due to oil, not the others, and I think Mr.
5 Holmer had a broader base. I don't know if we
6 can get narrowed down to those specifics without
7 really cutting down the broad statement. but
8 this is a--

9
10 MR. OEMING: Well, I agree with Mr.
11 Holmer in this sense, that there are other
12 potential problems here from spills of other
13 chemicals than oil or losses due to shipwreck
14 or other things that ought to be included in
15 this, unless you want to make a separate state-
16 ment on chemicals as differentiated from oil.
17 And I am satisfied to put them together.

18 MR. STEIN: Would you be able to find
19 this in your record for the typing?

20 Let's do it this way; let's leave it
21 the way the stenographer has it and we will go
22 over this with the second draft, O. K., and
23 hold this in particular.

24 MR. POSTON: Can we read that one
25 final time?

EXECUTIVE SESSION

MR. STEIN: If she can find it again.
That is why I made this move.

(The record was read by Mrs. Rankin
as follows:)

"The danger of spills of pollutant
chemicals, particularly oil, whether accidental
or deliberate, is so prevalent that it must be
considered a significant source of pollution
of the waters of Lake Michigan and treated as
such."

MR. STEIN: Thank you. Can we poll
on that now?

Mr. Holmer?

MR. HOLMER: All right.

MR. STEIN: Mr. Poole?

MR. POOLE: All right.

MR. STEIN: Mr. Oeming?

MR. OEMING: Yes.

MR. STEIN: Mr. Klassen?

Mr. Poston, may we hear an expression?

MR. POSTON: You would replace the whole
of #9 with that?

MR. STEIN: Yes, sir.

EXECUTIVE SESSION

1
2
3 MR. POSTON: You wouldn't want to
4 just add that on?

5 MR. STEIN: Well, it is another broad
6 point. If the Conferees want to take this up
7 as another--

8 MR. OEMING: I wouldn't object to
9 that, if the Chairman doesn't feel from his
10 vantage point that we mess this up too much.

11 MR. STEIN: No, no, no. Now, if you
12 want to, we should leave that first, do you
13 want to--is your proposal to add on what you
14 have in #10 as we have revised it?

15 MR. POSTON: Well, I was really
16 thinking of leaving 10 as was and then add the
17 danger of pollutant chemicals, especially oil,
18 putting that on the end.

19 MR. STEIN: In the end? This is just
20 a literary thing, but it seems to me, if we are
21 putting these both in one proposal to perfect
22 a draft, that the sentence we just read as Mr.
23 Holmer's sentence was a broader sentence than
24 this and that might come first and this would
25 logically follow. Is that all right?

EXECUTIVE SESSION

MR. POSTON: O. K.

MR. STEIN: All right.

Now, what do the Conferees think about having that first sentence which we have been polled on to be followed in #10 by the sentence as modified here, which reads:

"Oil discharges from industrial plants and commercial ships, and careless loading and unloading of cargos, despoil beaches and other recreational areas, contribute to taste and odor problems and treatment problems at water treatment plants, coating the hulls of boats, and may be deleterious to fish and other aquatic life."

Are we in agreement to adding that?

Yes. All right, everyone is in agreement on that.

Are you ready to go back?

MR. OEMING: Yes, I think we are.

MR. STEIN: All right.

MR. OEMING: I am not sure you are going to buy it, but we will try.

MR. STEIN: All right.

EXECUTIVE SESSION

CONCLUSION #8 (Continued)

MR. OEMING: "The combined impact of siting many reactors on the shores of the lake poses a threat, particularly with respect to thermal problems and to accumulation of radio-nuclides in the ecosystem."

MR. POSTON: In the what?

MR. OEMING: Ecosystem.

MR. STEIN: Oh, boy.

MR. OEMING: Wait a minute, before you strike me down on that, this is a term that pulls in fish and wildlife and insects and the whole business here.

MR. SCHNEIDER: Ecologic, you mean?

MR. OEMING: Yes.

MR. STEIN: You mean there isn't a word for this that we can put in the family newspaper?

MR. OEMING: Well, in the food chain, in the food chain.

MR. STEIN: Well, I don't know. How do the Conferees feel about it? Do you want to

EXECUTIVE SESSION

1
2 use eco?

3 MR. HOLMER: You do have a problem.
4 We are concerned about this because of the food
5 chain part of it, and ecosystem, although it
6 is a relatively new word, is very expressive.

7 MR. OEMING: Well, if you want to
8 put "the food chain" in there, I don't object,
9 if that makes it more sensitive.

10 MR. PURDY: Aquatic insects, fish--

11 MR. OEMING: Or else use aquatic
12 insects, fish, and so forth.

13 MR. SCHNEIDER: Biomass.

14 MR. STEIN: Oh, no, no, no. Here we
15 go.

16 Suggested as a substitute for ecosystem
17 was biomass.

18 (Laughter.)

19 I don't know, I think part of our
20 function here is to try to get this out in terms
21 that at least Klassen and I can understand next
22 week when we go home.

23 (Laughter.)

24 And I am ashamed to admit this. Let's
25

EXECUTIVE SESSION

1
2 go off the record.

3 (Off the record.)

4 MR. OEMING: Well, O.K., let's get
5 off of this, Mr. Chairman.

6 Would you buy this, the Conferees buy
7 this, strike the "ecosystem" term and use
8 "insects, birds, fish, and aquatic life"?

9 MR. STEIN: All right. We could use
10 biota, but that is all right.

11 MR. OEMING: Oh, you are going to go
12 back to biota now?

13 (Laughter.)

14 MR. STEIN: Well, that has trickled
15 down to us. But I think we are all right.

16 MR. OEMING: Something has trickled
17 down to me that hasn't to you.

18 (Laughter.)

19 MR. STEIN: Well, you are much higher
20 in the hierarchy.

21 You know, when I took economics, they
22 used to have a hierarchy of liquidity of the
23 things that are the most valuable. Money was
24 obviously the thing you could trade, and they
25

EXECUTIVE SESSION

1
2 used to have the kids working on what you would
3 have that was lowest on that pyramid and they
4 came up with a doubtful Rembrandt.

5 (Laughter.)

6 But this is what happens. I do think
7 we have to guard against the danger of being a
8 bunch of specialists with a jargon where we are
9 just talking to ourselves and not really communi-
10 cating outside.

11 MR. OEMING: Yes, you are right.

12 MR. STEIN: Let's try that again. Let
13 me read the first sentence and you pick up the
14 second:

15 "In addition to one existing nuclear
16 power plant, five nuclear power plants, three of
17 which will have twin reactors, are proposed or
18 under construction at Lake Michigan cities for
19 completion between 1970 and 1973."

20 Now Mr. Oeming.

21 MR. OEMING: "The combined impact of
22 siting many reactors on the shores of the lake
23 poses a threat, particularly with respect to
24 thermal problems and to accumulation of radionuclides
25

EXECUTIVE SESSION

1
2 in the insects, birds, fish and aquatic life."

3 MR. STEIN: Right.

4 Are there any comments?

5 MR. KLASSEN: What evidence is there--
6 we have been in this now for four or five years--
7 that the products of radiation, radionuclides,
8 do pose a threat?

9 FROM THE AUDIENCE: None.

10 MR. OEMING: Voice from the audience.

11 FROM THE AUDIENCE: The AEC discharges
12 at drinking water standards, that is the dis-
13 charges--

14 MR. STEIN: I am sorry, sir, we
15 announced before we are going to have to confine
16 this to the Conferees.

17 MR. KLASSEN: I merely asked the
18 background for this statement. This has not
19 been our experience, and I wondered, before
20 we put this in, because this is, in the public
21 mind, again, posing a threat that is popular
22 and mysterious. Before I would subscribe to
23 that I would want some foundation, because this
24 has not been our experience.
25

EXECUTIVE SESSION

MR. STEIN: Mr. Poston?

MR. POSTON: I think I might ask Dr. Weinberger whether he would care to comment on it?

MR. OEMING: Yes, he is here.

DR. WEINBERGER: I am sorry, I didn't hear.

MR. POSTON: I wonder if you would care to answer a question here that Mr. Klassen has posed concerning the potential effect of location of nuclear power plants, nine nuclear power plants around the south end of the lake, and particularly with respect to the hazards from radionuclides, radiation that might come from such a plant potential.

DR. WEINBERGER: Well, in most cases one needs--

MR. STEIN: Why don't you come up here.

(Off the record.)

MR. STEIN: All right, we are ready again.

Now, the question--and let me get the

EXECUTIVE SESSION

1
2 question--I don't think there is much doubt
3 that with any power plant, whether it is a .
4 nuclear power plant or a steam power plant
5 or any plant using cooling water we are
6 worried about thermal pollution. The question
7 that Mr. Klassen raises is:

8
9 Given the safety factors in these
10 nuclear power plants and the kind of discharges
11 put out, are we justified in referring to an
12 accumulation of radionuclides in the food chains,
13 the ecosystem--I talk like this, too, but I
14 don't put this out in the record--in the biota
15 that has been justified by the record.

16 Would you care to comment on that,
17 Dr. Weinberger?

18 DR. WEINBERGER: Murray, I have not
19 seen the record and have not seen any data
20 concerning any accumulation. For one thing,
21 I think they are talking about the construction
22 of additional plants. As I say, I have just
23 not seen any data. I would be happy to check
24 it out with Mr. Cook in terms of what have been
25 the measurements on that.

EXECUTIVE SESSION

I would say there is no question--

MR. POSTON: There are no plants there.

It is new plants that we are concerned with.

DR. WEINBERGER: Well, as I read the comment, this is why I was saying, I think the concern here is over new plants. With the safeguards available and as long as one maintains an adequate surveillance system, making sure that the safeguards are in effect, there need not be any accumulation.

MR. POSTON: This would apply to any pollutant, really, in any plant.

DR. WEINBERGER: Yes.

MR. OEMING: Dr. Weinberger, are we too strong when we say that new plants pose a threat? I think this is what is bothering us here. Granting that there are methods to control these things, are we too strong in saying that these pose a threat to the birds, fish and aquatic life through the accumulation?

I would like your opinion.

DR. WEINBERGER: Larry, again I have difficulty in the use of the words "pose a threat"

EXECUTIVE SESSION

1
2 in that I think almost any installation would
3 pose a threat if it wasn't operated properly
4 in that sense.

5 I see the thing that I think is
6 bothering you, it implies that--it could imply
7 a threat because they don't know what to do with
8 it, and I think, as Mr. Stein has indicated,
9 that certainly if one puts in the safety methods
10 the problem is minimal or there is no problem.
11 So again I think it is a question of phrasing
12 that is--

13 MR. STEIN: Yes. Let me try to do this,
14 and I think possibly the pet names we have used,
15 and let me try to get at the problem so we can
16 all agree and meet on this, something like this.
17 Can we say:

18 "The combined impact of siting many
19 reactors on the shores of the lake must be
20 considered so that this activity will not result
21 in pollution from the excess--from wastewater
22 heat or from the discharge of excessive amounts of
23 radionuclides."

24 MR. KLASSEN: Yes. Yes, that is an
25

EXECUTIVE SESSION

entirely different statement.

MR. STEIN: Yes. All right. Well, we are trying to get the state of the art into what we have.

MR. OEMING: Now, could we stop there and read it back, have her read it back so we are sure we have it right?

MR. STEIN: Yes.

MR. SCHNEIDER: I might say, this was a recommendation from the AEC Committee on Reactor Safeguards and they expressed concern about the buildup because of the flushing action, and this is their wording.

MR. STEIN: Yes, but this is the wording we got into trouble with. You see, the difficulty--

MR. POSTON: Maybe if we take this out Mr. Klassen would be satisfied.

MR. STEIN: I think Mr. Klassen deals with the facts, not with what we take out.

The difficulty, I think, that we have here--and let me get off the record on this.

(Off the record.)

EXECUTIVE SESSION

1
2
3 MR. KLASSEN: Just to make my position
4 clear, I think it ought to be in there, but if
5 we say the wording "pose a threat" and I agree
6 to that wording and somebody says what is that
7 threat, I couldn't tell them.

8 MR. STEIN: Right.

9 MR. KLASSEN: But your last wording call-
10 ing attention to this potentiality is good.

11 MR. STEIN: Right.

12 MR. OEMING: Now could we have it
13 again?

14 MR. STEIN: Would you read that back,
15 please?

16 (Record read as follows: "The combined
17 impact of siting many reactors on the shores of
18 the lake must be considered so that this activity
19 will not result in pollution from wastewater heat
20 or from the discharge of excessive amounts of
21 radionuclides.")

22 MR. STEIN: All right. Now, if we have
23 done that, fine.

24 MR. KLASSEN: Sounds like a lawyer's
25 statement, but it is good.

EXECUTIVE SESSION

MR. STEIN: Yes. That is my job.

Now we will go to 11.

MR. OEMING: Did you get the agreement of everybody on that?

MR. STEIN: Yes, everyone. Do I get a disagreement?

If not, let me go to 11.

CONCLUSION #11

"11. Disposal of polluted dredged material in Lake Michigan open water causes discoloration, increased turbidity, and oil slicks. Additionally, the pollutants contained in dredged solids, nutrients, and toxic material, which are responsible for deterioration of water quality."

Is that a sentence, the second one?

MR. OEMING: Something went wrong.

MR. SCHNEIDER: I guess we don't have that. You must have a revised copy.

MR. STEIN: Well, all right, I think we get the idea. We don't have a complete sentence

EXECUTIVE SESSION

1
2 and we will fix it up, but let's have a
3 comment.

4 MR. HOLMER: Mr. Chairman, I would
5 like to refer again to our statement on page
6 three. In this case we deal directly with
7 the totality of dredging, not alone the
8 polluttional aspects of it, but a couple of
9 other things.

10 "The maintenance of waterways for
11 commercial and navigational use is a constantly
12 necessary activity if siltation is not to render
13 the waterway unusable. The continued deposition
14 of dredged material in the deeper portions of
15 Lake Michigan, however, poses a distinct threat
16 to the quality of the lake.

17 "Alternative methods of disposal are
18 more expensive and pose problems of their own,
19 some of which include further polluttional hazards."

20 I think these are all true statements
21 and are based on the record which was made here
22 at Chicago a month ago. I think they provide an
23 adequate foundation for the same kind of recom-
24 mendations or recommendation, at least, dealing
25

EXECUTIVE SESSION

1
2 with this subject when we get to that point.

3 MR. STEIN: Well, yes. You raised
4 some interesting points here. In a way one
5 of your statements, it seems to me, goes farther
6 than the statement of the Federal people. They
7 talked in terms of disposal of polluted dredged
8 material and say it causes deterioration, turbidity
9 and oil slicks. You talk about "continued dis-
10 posal of dredged material"-- without a modifier--
11 "in the deeper portions of the lake poses a
12 distinct threat to the quality of the lake."

13 Now, on several of these points, and
14 maybe I am not clear on the record, I am not
15 sure that the record abundantly supports that
16 statement. Maybe it does.

17 MR. OEMING: Well, modify it.

18 MR. STEIN: Well, no, I am just--

19 MR. OEMING: Yes. "The continued
20 deposition of dredged material containing
21 nutrients, toxic material," and whatever else
22 you want to put in there.

23 MR. STEIN: Now, let me again ask, to
24 work on your statement, Mr. Holmer, is siltation
25

EXECUTIVE SESSION

1
2 the only reason they do this, dredge those
3 harbors? Don't they also dredge them because
4 of some industrial waste discharges?

5 MR. HOLMER: Well, but you do it for
6 the purpose of maintaining navigational--

7 MR. STEIN: Yes. But you say "if
8 siltation is not to render the waterway
9 unusable."

10 MR. HOLMER: Oh, I see.

11 MR. STEIN: Siltation may be too
12 narrow. This may be the situation in Wisconsin,
13 but I think when you get some of these industrial
14 harbors here, they may have some other material
15 they are dredging out.

16 MR. HOLMER: We were using siltation
17 in the broad sense to include industrial depo-
18 sition, but I would be glad to substitute the
19 word "deposition" there.

20 What I was trying to do, Mr. Chairman,
21 is to indicate that I think our conclusions need
22 to relate not only to the fact that disposal
23 of polluted dredged materials causes turbidity,
24 et cetera, but that it is a necessary activity.
25

EXECUTIVE SESSION

1
2 I think this is also a conclusion.

3 I think it is also a conclusion that
4 the alternative methods may be more expensive.
5 This is something I think we need to recognize
6 and be prepared to cope with. And that it may
7 not be an easy problem to solve because of the
8 additional dangers of further pollution.

9 MR. STEIN: Yes. Let me try this.
10 I don't know, I think Mr. Oeming is working on
11 this.

12 Would it be acceptable to you in the
13 first sentence if we said, "The maintenance
14 of waterways for commercial and navigational
15 use is a consistently necessary activity" period?
16 Because this is the main point we want to make.

17 The point is that we wanted to do that
18 and maybe we don't get into this notion of what
19 is causing it. We said a constantly necessary
20 activity. I think again we have to take the
21 notion that--and let me give you my view and I
22 hope it is the view of everyone--that the Corps
23 of Engineers is just going to have to keep up
24 with this dredging activity if we are going to
25

EXECUTIVE SESSION

1
2
3 keep the harbors open. Now, I think the Corps
4 has pointed out many, many times, when we deal
5 with another polluter, like a city or an industry,
6 we give them a time to clean up. Anyone can clean
7 up pollution by closing an industry, putting a
8 padlock on the city hall. The challenge is to
9 keep the industry going and the city going and
10 yet clean up pollution.

11 I think the Corps is asking for the
12 same kind of consideration. They are doing not
13 only a useful activity but an essential activity
14 in our country. They are asking for the same
15 kind of time schedule or consideration of the
16 time schedule, and the notion that the answer
17 is not just to stop the activity, in the same way
18 as you wouldn't come out with an answer in your
19 State to just shut down an industry. And I
20 think this first sentence possibly does it.

21 Do you have the second sentence there?

22 MR. OEMING: I have something to try on
23 you.

24 MR. STEIN: Right.

25 MR. OEMING: "The continued deposition

EXECUTIVE SESSION

1
2 of dredged material containing nutrients,
3 oils, solids of sewage and industrial waste
4 origin in the deeper portions of Lake Michigan,
5 however, poses a distinct threat to the quality
6 of the lake."

7 MR. STEIN: All right.

8 MR. OEMING: Then the rest of it,
9 I am--

10 MR. STEIN: What do you think about
11 it, do you want that last sentence or not?

12 MR. OEMING: No.

13 MR. STEIN: Do we really mean that?

14 MR. OEMING: I don't think it is
15 necessary.

16 MR. POOLE: Give that once more, please.
17 You are looking at the Holmer draft now?

18 MR. STEIN: Yes, we are.

19 MR. OEMING: We are looking at the Holmer
20 draft, Mr. Poole, and starting with the fourth
21 sentence.

22 MR. POOLE: Yes.

23 MR. OEMING: "The continued deposition
24 of dredged material"--now, we qualify this--
25

EXECUTIVE SESSION

"containing nutrients, oils, solids of sewage and industrial waste origin in the deeper portions of the lake poses a distinct threat."

MR. STEIN: Anywhere in the lake, isn't it?

MR. OEMING: Well, anywhere in the lake, yes.

MR. STEIN: In the lake, in Lake Michigan.

MR. OEMING: Not necessarily in the deeper portions, but in Lake Michigan.

MR. STEIN: Yes, in Lake Michigan. And we don't need the "however", do we?

MR. OEMING: No.

MR. STEIN: All right.

Let me read this again, as I get Mr. Oeming's proposition. The whole thing would read:

"The maintenance of waterways for commercial and navigational use is a constantly necessary activity."

MR. OEMING: Period.

MR. STEIN: Period. "The continued deposition of dredged material containing nutrients,

EXECUTIVE SESSION

1
2 oils, solids of sewage and industrial waste
3 origin in Lake Michigan poses a distinct
4 threat to the quality of the lake."

5 Are we in agreement on that?

6 Mr. Klassen?

7 MR. KLASSEN: Yes, if it follows--
8 I just want to point this out--if it follows,
9 then, that in the recommendations the Conferees
10 go on record as the target objective to dump
11 nothing into Lake Michigan. In other words,
12 not have it as a dumping ground.

13 If this conclusion says that, then I
14 am for it.

15 MR. STEIN: I don't know that it
16 necessarily says this.

17 MR. OEMING: I don't think it does.

18 MR. KLASSEN: This is what it says.

19 MR. STEIN: Well, you know, I just
20 heard a sotto voice from another Conferee that
21 he didn't think it said it.

22 If we can devise a conclusion like
23 this where both groups on this are satisfied,
24 I think we have got the problem stated.
25

EXECUTIVE SESSION

1
2
3 The question, one of the hard issues
4 we are going to have to face, and I don't think
5 there is any question on that, is the action
6 program on what we are going to do with the
7 dredged material. We are going to face that.
8 I don't know that we can prejudge that here
9 without a prolonged discussion. I think we
10 have laid the problem out where we all can
11 agree on it.

12 May I make a suggestion on this,
13 gentlemen? And I really mean this. This is
14 going to be one of the hardest things the
15 Conferees are going to have to grapple with.
16 Let's see if we can leave it here. Again this
17 isn't the last word. And while we are here,
18 I suggest the Conferees in the recesses might
19 on this point get together, because this is one
20 we are going to have to come to later, and let's
21 see if we can get a formulation. I am sure if
22 we get stopped on this now, without some pre-
23 liminary probing in an informal way among the
24 Conferees, we may be here for the rest of the
25 day just on this point.

EXECUTIVE SESSION

1
2
3 So procedurally, let's see if we--
4 Are we in agreement more or less with this?
5 You are going to have another crack at it after
6 we get it typed up.

7 Yes.

8 MR. HOLMER: One more plea for the
9 extra sentence. I feel we heard substantial
10 evidence to this point at the conference. I
11 append this purely as a factual statement as a
12 matter of full disclosure to the people in the
13 basin. There is no reluctance on our part to
14 insist on use of different methods of disposal,
15 but we certainly can't do so in any false
16 expectation.

17 I realize there are price tags on
18 everything we have said so far, but this is
19 a special case and I think merits a special
20 mention.

21 MR. STEIN: All right. Let's again
22 get the Conferees.

23 What do you think of this last sen-
24 tence? Do you want it or not, "Alternate
25 methods of disposal are more expensive and

EXECUTIVE SESSION

pose problems of their own"--

MR. OEMING: It is a flag. I think I could buy it.

MR. STEIN: Mr. Poole?

MR. POOLE: I think we can buy that.

MR. STEIN: Mr. Klassen?

MR. KLASSEN: Well, Mr. Oeming's wording completely changed, in my opinion, the statement of Mr. Holmer's.

MR. HOLMER: No, no, no, I am talking about the next sentence.

MR. KLASSEN: Well, I am going back here. I interpret the second sentence that this could prohibit the dumping of any material into Lake Michigan, and I think this is one of the things that these Conferees should address themselves to. The way it has been changed, that Lake Michigan could be used as a dumping ground for material unless it was polluted material, and that completely changes the whole concept.

MR. STEIN: Of what?

MR. KLASSEN: Of what--

EXECUTIVE SESSION

1
2
3 MR. STEIN: Yes, original, you are
4 right, that is correct.

5 MR. KLASSEN: The continued deposition
6 of dredged material, that means all dredged
7 material. Now we modify it to say only
8 polluted dredged material. And I think that
9 this conference ought to go on record that Lake
10 Michigan will not become a dumping ground for
11 anything and then set up a time schedule when
12 this is going to be accomplished.

13 I don't think it is as difficult as
14 you think it is. It is just a question of
15 concept, whether we want to open the door to
16 have Lake Michigan be a dumping ground or not
17 a dumping ground.

18 MR. POSTON: I would comment on Mr.
19 Holmer's statement. He says alternative methods
20 of disposal are more expensive, and we have
21 found that sometimes you change that method
22 of disposal and find it cheaper.

23 MR. HOLMER: I think it probably is
24 too broad. I would say "may be more expensive."

25 MR. POSTON: We have run into that.

EXECUTIVE SESSION

1
2 MR. STEIN: "May be," he will change
3 it to "may be." All right.
4

5 But we still have some very fundamental
6 problems, and I think Mr. Klassen has raised one.
7 We have a real issue here. It is very clear
8 that the statement that Mr. Holmer originally
9 made has been changed, although I would say that
10 this statement here is consistent with the state-
11 ment that the Federal Water Pollution people
12 made when they talked about polluted dredgings,
13 although that may be a little more ambiguous.

14 Now, the question here, would you say,
15 Mr. Holmer, or did you mean that the continued
16 deposition of dredged material poses a distinct
17 threat to the lake, any dredged material?

18 MR. HOLMER: There are some dredged
19 materials the polluted nature of which may be
20 subject to question, and by using the conclusion
21 it constitutes a distinct threat we were willing
22 to concede that even what may be considered as
23 unpolluted dredgings may in fact be included
24 in that category, which, of course, is the point
25 that Clarence is making, I believe.

EXECUTIVE SESSION

1
2 And so we made it broad here and, then,
3 of course, we have a corresponding recommendation
4 in back that we think deals with that.

5 MR. STEIN: All right.

6 I am trying to come to a conclusion
7 here and trying to get the Conferees to agree.
8 Let me give you the two alternatives.

9 "The continued deposition of dredged
10 material in Lake Michigan poses a distinct
11 threat to the quality of the lake" or "The
12 continued deposition of dredged material con-
13 taining nutrients, oils, solids of sewage and
14 industrial wastes origin in Lake Michigan poses
15 a distinct threat to the quality of the lake."

16 I think that phrase "containing nutrients,
17 oils, solids of sewage and industrial wastes
18 origin" is a phrase we have to decide whether
19 we are going to leave in or we can get along
20 by leaving it out. I take it Mr. Klassen would
21 like to leave it out. Mr. Holmer sees that in
22 this use of the term "threat" that that could be
23 left out.

24 How do the other Conferees feel?
25

EXECUTIVE SESSION

1
2 MR. HOLMER: I feel comfortable with Mr.
3 Oeming's statement, because that is true, too.

4 MR. STEIN: Yes.

5 You don't feel comfortable with Mr.
6 Oeming's statement?

7 MR. KLASSEN: Well, it depends on
8 what this is leading to. If it is leading to
9 permitting dumping in Lake Michigan and having
10 Lake Michigan become a dumping ground, then,
11 no, I am not for it.

12 MR. STEIN: No. As I look at this,
13 Mr. Klassen, I don't know that this is leading
14 to--either one of them, possibly either one,
15 is getting to this conclusion. This is something
16 we are going to have to meet head on later.

17 MR. KLASSEN: Let's wait until we
18 get to the recommendations and face it.

19 MR. STEIN: But how do we want to
20 handle this? Will we buy Mr. Oeming's statement
21 now or the one without the--

22 MR. OEMING: Tentatively.

23 MR. STEIN: Tentatively? Let's leave
24 it there.
25

EXECUTIVE SESSION

MR. KLASSEN: What he said is correct.

MR. STEIN: What?

MR. KLASSEN: What he said is correct.

MR. STEIN: All right. You are
always going to have a chance to sign off
at the end.

How about that last sentence, do you
want it? Is there any objection?

MR. POSTON: What is the last sentence?

MR. STEIN: "Alternative methods of
disposal may be more expensive"--

MR. KLASSEN: All right.

MR. STEIN: --"and pose problems of
their own, some of which include further
pollutional hazard."

MR. KLASSEN: This is right. I don't
know why it should be in there, because every-
thing we are going to do here is going to
cost people and industry money, so why point
our finger here at the poverty-stricken Corps
of Engineers when we are not doing the same
thing to industry or cities? I don't know why
we have got to bring money into this thing.

EXECUTIVE SESSION

MR. STEIN: Do you agree with Klassen?

MR. OEMING: It may include further
pollutional hazard, do you want to buy that?
Strike that qualification about expensive and pose
problems of their own. You have said it if
you say, "alternate methods may include further
pollutional hazards."

MR. KLASSEN: Yes. This is kind of
an academic statement.

MR. OEMING: O. K., it is academic,
I admit, but--

MR. KLASSEN: You say the same thing
about ever municipal and industrial waste.

MR. OEMING: You don't like it at all?

MR. STEIN: All right, let's--

MR. OEMING: Let's take it out.

MR. STEIN: All right.

MR. OEMING: Take it out.

MR. KLASSEN: It sounds like you are
trying to trade money for Lake Michigan.

MR. STEIN: Yes. All right. I think
we are very close to an agreement. Let me read
this again before we slip.

"The maintenance of waterways for

EXECUTIVE SESSION

commercial and navigational use is a constantly necessary activity. The continued deposition of dredged material containing nutrients, oils, solids of sewage and industrial wastes origin in Lake Michigan poses a distinct threat to the quality of the lake."

May we have an expression?

(No response.)

MR. STEIN: If there is none, we adopt that and we substitute this for #11 here and we go on to #12.

CONCLUSION #12

"12. Pesticide pollution of Lake Michigan and its tributary streams results from the application of these materials by spraying and dusting. Pesticides are used most heavily in the Lake Michigan Drainage Basin in areas of extensive fruit growing. These areas are: The Wisconsin portion of the Green Bay watershed; the Milwaukee area; the southeast quadrant of the Basin, and the area along the northeast shore

EXECUTIVE SESSION

1
2 from Manistee to Traverse City, Michigan. The
3 ever-increasing use of these materials threatens
4 water uses for recreation, fish and wildlife, and
5 water supplies."

6 What happened to the ecosystem here?

7 (Laughter.)

8 MR. OEMING: Mr. Chairman.

9 MR. STEIN: Yes.

10 MR. OEMING: I have a couple of ideas
11 on this one. I stumble over the word "pollution"
12 in the first place. "Pesticides are found in
13 Lake Michigan," and I am not sure whether the
14 testimony at the hearing showed this or not, but
15 I am accepting that probably they are found in
16 Lake Michigan.

17 Strike the word "pollution" and say:
18 "Pesticides are found in Lake Michigan and its
19 tributary streams resulting from the application
20 of these materials" period.

21 Now, I don't care where it comes from;
22 it is there. "The ever-increasing use of these
23 materials"--or where it exists--"The ever-increasing
24 use of these materials threatens water uses for
25

EXECUTIVE SESSION

recreation, fish and wildlife, and water supplies."

MR. STEIN: All right.

MR. OEMING: I question what is added here because that might be the situation today and it might not be tomorrow.

MR. POSTON: I think we will buy that.

MR. STEIN: Any comment?

(No response.)

MR. STEIN: All right. Let me reread this. This has been accepted by them. This reads this way:

"Pesticides are found in Lake Michigan and its tributary streams resulting from the application of these materials. Pesticides"--

MR. POSTON: Then you go down.

MR. STEIN: Period. Then you strike everything to the last sentence. "The ever-increasing use of these materials threatens water uses for recreation, fish and wildlife, and water supplies."

Is this agreeable?

Do we have any comment? I don't want to rush you, move this by too fast.

EXECUTIVE SESSION

(No response.)

MR. STEIN: All right. Twelve.

MR. OEMING: Thirteen now.

MR. STEIN: Thirteen.

CONCLUSION #13

"13. A contaminant entering directly into Lake Michigan, or dissolved in the water that feeds the lake, mixes with and eventually becomes an integral part of the lake water as a whole--regardless of the point of origin around the periphery or on the contributing watershed."

Why did you use the word "contaminant" instead of "pollutant"? I think, as I read the laws of all four States and the Federal law, we have safely been using the word "pollutant". "Contaminant," we just don't have it in front of any of them.

MR. MITCHELL: What is the purpose of that conclusion?

MR. STEIN: Do you want to answer that?

MR. POSTON: I think this is to indicate

EXECUTIVE SESSION

1
2 that through the currents mixing in the lake
3 that pollution in one place affects the other
4 and that, therefore, we have interstate pol-
5 lution, pollution going from one area to the
6 other.

7 MR. STEIN: Mr. Klassen.

8 MR. KLASSEN: We raised this point
9 at the final day of the other conference. I
10 again ask for your definition of pollution or
11 a pollutant. What do you mean by pollution
12 or a pollutant?

13 MR. STEIN: Well, all right, what I
14 mean by pollution, in the Federal Act, and I
15 don't think it is any different essentially
16 in any of your State Acts, in the Federal Act
17 it means any condition of any discharge into
18 a water which endangers the health or welfare
19 of any person.

20
21 Now, in addition here, of course, we
22 have to have an interstate, but that doesn't
23 relate to the definition.

24 Anything in the water that endangers
25 the health or welfare of any person. When we

EXECUTIVE SESSION

1
2 want to deal with welfare, we can give you a
3 longer list of specifics and that is public
4 health, public and industrial water supply,
5 agricultural, industrial, recreational, water
6 use of fish and wildlife.

7 MR. KLASSEN: You have answered my
8 question.

9 MR. STEIN: Right.

10 MR. HOLMER: On the top of page two
11 in our statement we tried to respond to Mr.
12 Klassen's requests for a definition as an
13 alteration of the properties of any water in
14 any way that creates a nuisance or impairs
15 water quality to a degree that affects adversely
16 the beneficial use of such water.

17 I think this is what you said, but
18 we tried to state it pretty formally, because
19 I think this ought to be one of our conclusions
20 somewhere along the way so that we are dealing
21 with an agreed--not necessarily these words, but
22 any of them.

23 MR. STEIN: I understand what you said.
24 Now, we have had problems with this, and I think
25

EXECUTIVE SESSION

1
2 although Mr. Klassen has been working with this
3 for years, at least Mr. Oeming and Mr. Poole
4 were working on a committee. And whenever we
5 start hammering out a definition of pollution--we
6 have not been entirely successful in getting the
7 exact wording--every State has something different.

8 MR. OEMING: Yes.

9 MR. STEIN: Now, the problem, Mr.
10 Holmer, that I have with your definition--I don't
11 think it is the meaning, since we are all in
12 agreement--is with the phrase "nuisance" itself.
13 Not all the States, including the Federal Govern-
14 ment, have been as successful with the use of
15 the concept of nuisance to abate pollution as
16 possibly Wisconsin has. Accordingly, this raises
17 sort of extraneous problems.

18 I have worked with some of these
19 people more than others. I don't believe we
20 have a problem with Wisconsin. I think essen-
21 tially we do not have a difference between the
22 Federal and State concept as to a definition
23 of pollution. If there is, I don't see it.
24
25

EXECUTIVE SESSION

1
2 and I have looked at your programs and we
3 have grappled with this and worked on this
4 for a long time. We have come up with an
5 agreed definition in a suggested State act--

6 MR. OEMING: That is right.

7 MR. STEIN: --that I think Mr. Poole
8 and Mr. Oeming were on a committee. If you
9 take the definition that is most frequently
10 used, it is the one in that suggested act.
11 More States have adopted that than anything
12 else, but there is a lot of variation.

13 Now, the question is, do you want to
14 go into that or not?

15 MR. KLASSEN: The definition in the
16 model act is the one that Illinois uses. I
17 merely say that some place in here the Conferees
18 should agree, when they say pollution, what
19 we are talking about. And I think it is for
20 our own protection so that what we say can't
21 be misinterpreted, and further if we ever get
22 into any legal action, I think that this is going
23 to be necessary as a basis for what we are
24 talking about. I think this is pretty basic.
25

EXECUTIVE SESSION

1
2 If you suggest and say that the
3 record will show that it is the definition
4 in the model act, that is good enough for me.

5 MR. STEIN: Here is the question, Mr.
6 Klassen. There are two of us around the table
7 here, Mr. Poole and myself, who started working
8 on that model act in about '48 or '49. I hate
9 to tell you how long ago we started on our first
10 draft of that definition. It has been accepted
11 now. The problem is, to the possible chagrin
12 of Mr. Poole and myself and Mr. Oeming and the
13 others, and Illinois that has adopted it, we
14 have never been able to get the Congress to
15 adopt that and we are operating under the Federal
16 law. The Congress has said that pollution is
17 anything which endangers health or welfare.

18 Now, in the construction of that, I
19 put that together with that Section 2 and I come
20 up with substantially the definition we have
21 under the Act. I don't know if you want to
22 spell that out here or not. The problem that
23 I would have with this, and let me make this
24 abundantly clear, we have to work this out
25

EXECUTIVE SESSION

1
2
3 under the direction given us under the Federal
4 Act and the Congress. I don't want it to be
5 construed that I am raising myself by my own
6 boot straps and wiggling in a definition that
7 we have developed through the years and put
8 out to the States that the Congress hasn't
9 developed in the back halls of the Congress when
10 they have given us a definition to work with.

11 There is going to be no difference
12 in the operation. I think I would say this,
13 that we believe that the definition of pollution--
14 and it is not defined in the Federal Act--that
15 pollution in the Federal Act and pollution as
16 defined in the suggested State Act are perfectly
17 compatible and have the same meaning for the
18 purpose of the Lake Michigan case.

19 MR. KLASSEN: Fine. This is in the
20 record from the Chairman and this is all right
21 with me.

22 MR. STEIN: We will put this out as
23 a conclusion.

24 MR. KLASSEN: All right.

25 MR. STEIN: I don't think there is

EXECUTIVE SESSION

any doubt about that.

MR. KLASSEN: You satisfied my question.

MR. STEIN: All right.

But let's get on to 13.

MR. HOLMER: Well, whoops.

MR. OEMING: We were working on 13, yes.

MR. HOLMER: The last one on page 2?

MR. STEIN: Yes, that is 13 now.

MR. KLASSEN: Mr. Chairman, I don't want to prolong this by going back, but I wonder in the one on pesticides whether there should be the words "may threaten water uses for recreation, fish," because as I recall, and I think I questioned Mr. Carbine on this, they had no direct evidence that it was threatening so far as toxicity.

MR. OEMING: Yes, that was pretty weak. It was pretty weak testimony.

MR. STEIN: I have no objection to that. Mr. Holmer raised this, you know, in his dredging operations. When used as a threat,

EXECUTIVE SESSION

1
2 this has an implication of "may" in it, that
3 is a threat. It is always a question of how
4 many modifiers you put before a word like
5 "threat". I have no objection if you want to
6 put that--

7 MR. OEMING: In the context that the
8 Chairman has expressed here, I would just as
9 soon leave it the way it is.

10 MR. KLASSEN: O. K.

11 MR. OEMING: I am satisfied, despite
12 the fact that the record was weak, and I think
13 we will get to that when we get to the recom-
14 mendations.

15 MR. KLASSEN: O. K.

16 MR. OEMING: Mr. Chairman, addressing
17 myself now to 13, if we are going to use "A
18 pollutant entering directly into the lake,"
19 I think we are redundant in using the last
20 phrase, "regardless of the point of origin",
21 because we have said that it either enters
22 the lake directly or feeds the lake.

23 MR. STEIN: Yes, you are exactly right.

24 MR. OEMING: I am satisfied to leave it
25

EXECUTIVE SESSION

1
2 right there.

3 MR. STEIN: All right. Can we put a
4 period after "whole", is that your point?

5 MR. OEMING: Yes, put a period after
6 "whole".

7 MR. STEIN: Right.

8 MR. OEMING: Now, if the Conferees
9 are not satisfied yet with this question of
10 what is a pollutant, I wonder if this might
11 help to get over that hump, to say that sub-
12 stances capable of causing unlawful pollution--

13 MR. POSTON: That is the same thing.

14 MR. STEIN: That is the same thing with
15 more words.

16 MR. OEMING: Is it worse or is it
17 better?

18 MR. POSTON: How about the word
19 "persistent" there?

20 MR. OEMING: All right.

21 MR. STEIN: No, no, no. I think you
22 said the same thing, but it is no longer a
23 colorless phrase.

24 MR. OEMING: All right.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: You know, you are using
4 your Michigan legal concept that runs with
5 the-- When we use a word, a suggested pollutant,
6 what I was trying to find was a neutral word
7 that is not going to be a phrase out of a
8 Wisconsin statute, an Illinois statute or
9 a Michigan statute. This always creates
10 problems, and I think we have to try that
11 here.

12 MR. OEMING: How does it read now?

13 MR. STEIN: It reads:

14 "A pollutant entering directly into
15 Lake Michigan or dissolved in water that feeds
16 the lake mixes with and eventually becomes
17 an integral part of the lake water as a whole"
18 period.

19 MR. POOLE: Well, I have some difficulty
20 with that, Mr. Chairman, and I will cite you
21 the example of bacteria, which I--there are
22 too many of them, Klassen has a pollutant,
23 and I doubt seriously if bacteria entering
24 into one point would come to the part of the
25 lake as a whole and I even doubt if BOD does,

EXECUTIVE SESSION

1
2 which is our most commonly used term in
3 respect to pollution. When I read that first
4 I think it may just confuse the issue that
5 there are persistent pollutants.

6 MR. STEIN: How about putting the
7 word "persistent" in before "pollutant",
8 Mr. Poole?

9 MR. POOLE: I could buy that.

10 MR. STEIN: All right.

11 MR. KLASSEN: Let me ask, was one
12 reason for putting this in to attempt to justify
13 this as an interstate problem?

14 MR. STEIN: No, it is not an attempt
15 to justify it. I think we had the current
16 study here. I think, as far as I understood
17 this case, people were talking in terms of
18 possible cul de sac at the end of the State or
19 humps in the lake, and the notion that we have
20 heard from Drs. Bartsch and Baumgartner was that
21 a persistent pollutant getting anywhere in the
22 lake would go around that lake and the discharge
23 of water from the lake was so slow that you were
24 probably stuck with that for hundreds of years
25

EXECUTIVE SESSION

and it was apt to wind up anywhere, and this, in their judgment, was a significant factor in this lake problem and why we all had to work together with it. I think, right, that is important.

MR. KLASSEN: I don't question that. But then this is sort of a general conclusion and circumstantial evidence rather than any fact. This is all right, I am not quibbling about this. But if this is a justification for this being a four-State problem--

MR. STEIN: Yes, I think this is substantially correct.

Yes, Mr. Holmer.

MR. HOLMER: It would ease my reading of it a little bit if we could change "eventually becomes" to "may become." A lot of things happen to persistent pollutants. They may be deposited on the bottom and may be volatilized--

MR. STEIN: Is this all right? Yes, all right.

Is this agreeable? "And may become"? All right?

(No response.)

EXECUTIVE SESSION

MR. STEIN: All right.

MR. OEMING: "May eventually become"?

MR. STEIN: "May." You don't need
the "may eventually."

(Laughter.)

All right, let me try this again,
gentlemen:

"A persistent pollutant entering
directly into Lake Michigan or dissolved into
the water that feeds the lake mixes with and
may become an integral part of the lake water
as a whole."

All right?

(No response.)

MR. STEIN: Let us see if we can go
to the next page, to 14.

CONCLUSION #14

"14. The massive die-off of alewives
that occurred in 1967 created conditions that
severely restricted recreational uses causing
losses in millions of dollars to the tourist

EXECUTIVE SESSION

1
2 industry and certain municipalities. Although
3 the dead fish were not the result of pollution,
4 they caused pollution and are therefore a
5 concern to water pollution control agencies."

6 MR. HOLMER: We didn't want to mention
7 money a few minutes ago.

8 MR. OEMING: That is in a different
9 context. We are talking about the cost.

10 MR. STEIN: No, no, no, we are talking
11 about damages here.

12 MR. KLASSEN: The economic losses.

13 MR. OEMING: That is within our--

14 MR. POSTON: Mr. Chairman, I would
15 like to introduce here a copy of a letter, for
16 the record, from Representative John W. Burns,
17 Eighth District of Wisconsin, in which he
18 writes to me as Great Lakes Regional Office:

19 "Dear Mr. Poston: I understand that
20 you will be the Federal representative on the
21 March 7 meeting in Executive Session of the
22 Conferees to the Lake Michigan pollution
23 conference. Combating the serious pollution
24 problem caused by the die-off of millions of
25

EXECUTIVE SESSION

1
2 alewives will no doubt be on your agenda.
3 This problem merits high priority attention.
4 I urge that you and all Conferees give close
5 attention to the proposal of the Wisconsin
6 trawlers to seine Lake Michigan to remove
7 large numbers of alewives. I would appreciate
8 your reply concerning this matter."

9 MR. HOLMER: Mr. Chairman.

10 MR. STEIN: Yes.

11 MR. HOLMER: May I join in Mr.
12 Poston's request that this letter be entered
13 in the record?

14 MR. STEIN: It will be entered into
15 the record.

16 MR. HOLMER: And I won't have to
17 duplicate it by introducing another one?

18 MR. SCHNEIDER: Yes, it will be in
19 the record.

20 MR. POSTON: I also have here--

21 MR. STEIN: If we have any more
22 requests of letters relating to operations like
23 trawling, this might have a better place in the
24 record when we come to the specific operations
25

EXECUTIVE SESSION

1
2 rather than the general conclusions. I
3 don't know what this letter is, but if it
4 deals with a trawler program, I think it
5 would be more meaningful in the record when
6 we come up with how we are going to get at
7 the alewife problem rather than--

8 MR. POSTON: Do it later?

9 MR. STEIN: Yes.

10 MR. POSTON: O. K.

11 MR. KLASSEN: I think, Mr. Chairman,
12 there is a--I didn't hear this, but a written
13 editorial, W B B M, February 23, about the
14 problem, and it quotes the Federal Bureau of
15 Fisheries in Ann Arbor that "hundreds of millions
16 of alewives are now lying out in the middle of
17 the lake." I don't know whether this should go
18 into the record or whether this should be further
19 explored. I don't know whether lying on the
20 water, in the water, on the bottom? Maybe that
21 is something that--

22 I am serious. I would like to get
23 some information on this.

24 MR. STEIN: I am serious. I don't know,
25

EXECUTIVE SESSION

after all, we are in the same--at least I am
in the same Department with these fellows. Do
we have anyone here from that Bureau?

MR. POSTON: Premetz is here from the
Bureau of Commercial Fisheries.

MR. STEIN: Yes, I saw Mr. Premetz.

MR. KLASSEN: Maybe we ought to put
this in the record?

MR. STEIN: Yes, let's put it in the
record.

(Which said editorial is as follows:)

E D I T O R I A L

WBBM RADIO 78

630 N. McClurg Court
Chicago, Illinois 60611

SUBJECT: Alewives and More Trouble
322

BROADCAST: February 23, 1968
6:25, 8:45 AM,
12:15, 4:50, 10:55 PM

Chances are very strong that we will
have another serious odor problem on Lake Michigan

EXECUTIVE SESSION

1
2
3 this year. Hundreds of millions of alewives
4 are now lying out in the middle of the lake.
5 That is the estimate of the Federal Bureau of
6 Fisheries in Ann Arbor, Michigan.

7 Surveys recently completed indicate
8 that this year's hatch of alewives is the largest
9 ever known. When next June comes around, we are
10 going to be in a lot of trouble.

11 Let's forget about Chicago's beaches
12 being closed. Let's forget about the awful
13 stench that comes in from the lakefront. Con-
14 sider only that the States bordering the lake
15 lost 55 million dollars in tourist trade last
16 year because of dead alewives. At least one
17 steel plant suffered a 5 million dollar loss
18 when it had to stay idle for 10 days.

19 To avoid another alewife disaster,
20 action has to be taken now. We think the most
21 logical action is to have trawlers catch alewives
22 before they begin to die by the millions along
23 the shoreline.

24 Congress should act now to permit the
25 use of Canadian-built trawlers to help catch

EXECUTIVE SESSION

1
2 the alewives. Present laws forbid foreign
3 built ships from being used in American
4 fishing operations. Only about 18 American
5 trawlers are available this year, and most
6 of them are too small to be effective.

7 We need Federal loans--on a 50/50
8 basis with the four States around Lake Michigan.
9 We need to develop new equipment to fight the
10 alewives invasion. We need to find ways to
11 handle an alewives catch more efficiently.
12 We need barriers erected against the alewives
13 so they won't wash up on the lakefront. And
14 we need these things before next June when
15 the problem will once again become overwhelming.

16 - - -

17 MR. STEIN: Can you briefly indicate
18 and direct yourself to that statement? Just
19 what about these alewives?

20 Give your name.

21 MR. PREMETS: Ernest Premetz, Deputy
22 Director, Bureau of Commercial Fisheries.

23 I think this particular article stems
24 from discussion of last year's die-off. As you
25

EXECUTIVE SESSION

know, the original estimates were made on the basis of fish lying on the beaches. However, subsequently trawlers in the area found massive quantities on the bottom and in some areas they were three to six feet deep on the bottom, that is dead alewives.

I don't know whether these are still lying on the bottom or not. I would think they have pretty well deteriorated, but they could be.

MR. STEIN: Well, thank you, Mr. Premetz.

All right, let's see if we can get back to #14.

MR. POOLE: I move adoption of #14, Mr. Chairman.

MR. OEMING: I support it.

MR. STEIN: Do I hear any other?

(No response.)

MR. STEIN: It is adopted.

Fifteen.

CONCLUSION #15

"15. Discharges of untreated and

EXECUTIVE SESSION

1
2 inadequately treated wastes originating in
3 Wisconsin, Illinois, Indiana, and Michigan
4 cause pollution of Lake Michigan which endangers
5 the health or welfare of persons in States other
6 than those in which such discharges originate.
7 This pollution is subject to abatement under the
8 provisions of the Federal Water Pollution Control
9 Act, as amended (33 U.S.C. 466 et seq.)"

10 MR. KLASSEN: Second Mr. Poole's motion.

11 MR. STEIN: What is that?

12 (Laughter.)

13 Adopt 15?

14 MR. OEMING: Where are we?

15 MR. STEIN: Fifteen.

16 MR. POOLE: Well, I will move we adopt

17 15.

18 MR. STEIN: Fifteen. Is that agreeable?

19 MR. OEMING: No.

20 MR. STEIN: All right.

21 MR. OEMING: Standing by itself, I
22 think that it is not complete enough. If you
23 will remember, Mr. Chairman, in many previous
24 conferences you have attempted to identify what
25

EXECUTIVE SESSION

1
2 you mean by in what way you endanger the
3 health or welfare, and I have in mind that if you
4 are making a finding of interstate pollution the
5 pollution is evidenced by this or this, and I
6 think it would put this in better context if
7 we could do this, expand this to that point.
8 And the record is very clear in my mind at the
9 conference, from the Federal presentations and
10 everybody's, that the primary problem is nutrients.
11 Where does it say?

12 MR. SCHNEIDER: I think it is covered
13 in Number--

14 MR. OEMING: If it is, then I will
15 withdraw my--

16 MR. SCHNEIDER: --Number three.

17 MR. OEMING: Number three?

18 MR. SCHNEIDER: I think Number three
19 and Number thirteen.

20 MR. OEMING: Thirteen?

21 MR. SCHNEIDER: Oh, no, I see what
22 you mean.

23 MR. OEMING: Yes. Well, I have in
24 mind such wording as that in large measure
25

EXECUTIVE SESSION

1
2 the pollution originates from nutrients or
3 such other--which fertilize the lake, and
4 then if you want to add some others, that is
5 fine.

6 But I would like to put the emphasis
7 on this so that people understand this here.
8 Otherwise, we are going to have a Lake Erie
9 on our hands tomorrow in everybody's minds.

10 MR. POOLE: I think I agree with him.
11 I will withdraw my earlier motion.

12 MR. STEIN: All right. Let me try
13 this.

14 I am not going to change his language.

15 MR. OEMING: The language is fine as it
16 stands, but it doesn't go far enough.

17 MR. STEIN: No, no, you are right.
18 Let me do this again.

19 "Discharges of untreated and inadequately
20 treated wastes originating in Wisconsin, Illinois,
21 Indiana and Michigan cause pollution of Lake
22 Michigan which endangers the health or welfare
23 of persons in States other than those in which
24 such discharges originate. In large measure
25

EXECUTIVE SESSION

1
2 this pollution results from nutrients which
3 fertilize the lake. This pollution is subject
4 to abatement under the provisions of the Federal
5 Water Pollution Control Act as amended."

6 All right?

7 MR. POOLE: Read that sentence again.
8 You went too fast. "In large measure"--

9 MR. STEIN: "This pollution"--

10 MR. POSTON: No, "In large measure."

11 MR. STEIN: "In large measure this
12 pollution results from nutrients which fertilize
13 the lake."

14 MR. OEMING: That is very good, Mr.
15 Chairman.

16 MR. STEIN: It is exactly what you
17 said. Let's go off the record.

18 (Off the record.)

19 MR. STEIN: Let's go back on the record.

20 MR. OEMING: This was after the word
21 "originates"?

22 MR. STEIN: Yes.

23 Are you in agreement with that, Mr.
24 Poole?
25

EXECUTIVE SESSION

1
2 MR. POOLE: Yes.

3 MR. STEIN: Do you move now with
4 this amendment?

5 Is everyone in agreement?

6 MR. KLASSEN: Yes.

7 MR. STEIN: Yes.

8 MR. HOLMER: We thought that nutrients
9 were one, but there--and I realize you have got
10 "in large measure" there, but I wonder if you
11 want to put in the persistent pesticides again
12 and maybe oil?

13 MR. OEMING: Well--

14 MR. STEIN: Now--

15 MR. OEMING: The interstate problem
16 subject to this conference, now, this is where
17 we are--

18 MR. STEIN: This is always the problem
19 that you get when you open the door to specifics.

20 MR. OEMING: Yes.

21 MR. STEIN: The problem, and I think
22 trying to resolve this, or get a formula that
23 will resolve it, I think Mr. Oeming's point is
24 that when we are dealing with the lake as a whole
25

EXECUTIVE SESSION

1
2 and the four States and the Federal Government
3 are dealing with the nutrient problem, the
4 problems such as oil and pesticides or persistent
5 pesticides at the present time are really
6 specialty problems, and I am not sure he wants
7 to put them in the same series as the nutrients.
8

9 MR. OEMING: No.

10 MR. STEIN: I think this is what he
11 is driving at.

12 MR. OEMING: This is right, Mr. Chairman.

13 Well, let me put it this way, that the
14 problem that sticks out to me, and I am sure
15 everybody, is the attempt to save the lake here
16 from degradation due to these nutrients and the
17 algal growths. Now, this does not necessarily
18 exclude a special problem such as an oil loss
19 from Benton Harbor getting down into Indiana,
20 let's say, but many of these are not immediate,
21 of such immediate effect on the lake as a whole.

22 MR. STEIN: All right, I know, I am
23 trying this. Let me try this sentence to get--
24 pardon me.

25 MR. MITCHELL: It seems to me that the

EXECUTIVE SESSION

1
2 language "in large measure" still leaves the
3 door open for a lot of minor problems and I
4 am not trying to change the wording.

5 MR. STEIN: All right. Are you
6 satisfied?

7 All right.

8 MR. HOLMER: I go with Oeming if--

9 MR. STEIN: All right All right.
10 If we can do that, then I think I can dispense
11 with another reading because we are all in
12 agreement with that. Is that correct? Again
13 you are going to have another crack at it.
14 We are going to have this typed up and you
15 are going to get this back.

16 MR. HOLMER: Mr. Chairman, I want
17 to be sure that we are not leaving conclusions
18 at this point. I want the conference to be
19 under no illusions on that score.

20 MR. STEIN: No. No. As a matter of
21 fact, we are not closing the door on anything.

22 MR. HOLMER: Well, what I am saying
23 is that there are a significant number of
24 additional conclusions that I think we need
25

EXECUTIVE SESSION

1
2 to arrive at before we start looking at the
3 recommendations.

4 MR. STEIN: This is fine, and we will
5 be glad to take them up, but I do think that
6 we should recess for lunch. Again it is to
7 the point.

8 Do you think we can make it back by
9 1:30, gentlemen?

10 All right, we will recess until 1:30.

11 (Whereupon, at 12:00 noon a recess
12 was taken until 1:30 p.m.)
13
14 - - -
15
16
17
18
19
20
21
22
23
24
25

EXECUTIVE SESSION

AFTERNOON SESSION, MARCH 7, 1968

(1:30 p.m.)

(Off the record discussion.)

MR. STEIN: We are ready to reconvene.

MR. POSTON: What is the status of
this now?

MR. STEIN: We are going to meet tonight
until about 5 or thereabouts. We will recess and
meet tomorrow at 9; we will run until 12; we will
reconvene Tuesday until we conclude. O. K.?

MR. POSTON: Tomorrow morning at 5?

MR. STEIN: Nine.

MR. POSTON: How about 8 o'clock?

MR. KLASSEN: Good, let's start at
8 o'clock.

MR. MITCHELL: Very good. Very good.

MR. POSTON: You know, this is a pretty
important job to be fiddling around with time here.

MR. STEIN: Do you want to start at 8?

MR. HOLMER: No.

MR. STEIN: No.

MR. KLASSEN: Sure.

MR. HOLMER: I will do it if the others

EXECUTIVE SESSION

1
2 want to and you are willing, Mr. Chairman. I
3 prefer--

4 MR. STEIN: I think you are kidding
5 yourself. I will take a consensus here.

6 What do you think?

7 MR. OEMING: I will go for 8:30.

8 MR. POOLE: I will compromise on 8:30.

9 MR. KLASSEN: 8:30.

10 MR. STEIN: 8:30 tomorrow morning.

11 MR. POSTON: We got half an hour on
12 you anyway.

13 MR. STEIN: All right.

14 Mr. Holmer, let's proceed.

15 MR. HOLMER: Mr. Chairman, Section 10
16 of the Federal Water Pollution Control Act
17 specifies what should be in the summary and
18 recommendations that come out of this conference.
19 There are three parts to this. The first part
20 is the occurrence of pollution and the second
21 is the adequacy of the abatement measures. The
22 third is the nature of delays encountered in
23 abating pollution.

24 We have drafted a document which is
25

EXECUTIVE SESSION

1 before you, which deals with each of these things.
2 The conclusions that we have discussed this
3 morning do part of the job, but it has seemed
4 to us that there are several additional sources
5 of pollution that we feel in the conclusions
6 ought to--a foundation laid that will lead to
7 the appropriate recommendations.
8

9 On page two of our statement, for
10 example, we refer to "A major and continuing
11 complication, resulting in pollutional discharges,
12 are combined sewers that are found in many
13 communities. The efficiency of a treatment
14 plant is irrelevant, if significant portions of
15 the pollutional load are, in fact, not treated
16 at all."
17

18 I think this is a conclusion that we
19 could very easily come to.

20 If I may, in this part of the session,
21 let me go then up on page three--

22 MR. STEIN: Let's take one at a time.

23 MR. HOLMER: Do you want to take them
24 one at a time?

25 MR. STEIN: Yes.

EXECUTIVE SESSION

MR. HOLMER: All right.

MR. STEIN: O. K. Your last paragraph, this reads:

"A major and continuing complication, resulting in pollution discharges, are the combined sewers that are found in many communities. The efficiency of a treatment plant is irrelevant, if significant portions of the polluttional load are, in fact, not treated at all."

Let me throw this open for comment.

Don't you think "the efficiency of the treatment plant is irrelevant" might be a little strong?

MR. HOLMER: I am willing to modify it.

MR. STEIN: Yes. We recognize that you have to do that. But I am not sure that when we provide, as we are talking about here, secondary treatment plus chlorination of the effluent, even if we have a stormwater overflow, that what we are doing is irrelevant. It might be recognized.

(Discussion across the table, inaudible to the reporter.)

EXECUTIVE SESSION

MR. MORTON: It doesn't affect the treatment per se, but it affects--

MR. POOLE: The results.

MR. MITCHELL: The results of treatment are affected by it.

(Inaudible to the reporter.)

MR. SCHNEIDER: Mr. Chairman.

MR. STEIN: Yes.

MR. SCHNEIDER: I think we did give recognition to this in the second--where it did mention combined sewer overflows as a source of pollution.

MR. STEIN: Yes.

MR. POSTON: In conclusion #2 we did say that the sources of this pollution include wastes from municipalities, industries, Federal activities, combined sewer overflows, and we went on throughout the drainage basin.

MR. STEIN: All right. O. K.

MR. HOLMER: On page three in the bottom two sentences we refer to pesticides, fertilizers and the use of chemicals to clear highways. It seems to us that the use of

EXECUTIVE SESSION

de-icers is a matter of concern to which this conference ought to direct its attention. We have prepared a recommendation relating to this, and in order to provide a foundation for a recommendation we would need to have something like this in the summary of the conference.

The same thing applies with respect to the business of erosion from highway construction and other construction. We had substantial evidence on this point in our conference. We believe there should be recommendations on that point also, and so we would like some summary statement with respect to these two items.

MR. STEIN: Yes. O. K., I think this is a point.

Do you have any comments there?

MR. POSTON: Pardon?

MR. STEIN: Do you have any comments now?

MR. POSTON: Well, I think we had recognized in our report, I was going to go back through the conclusions and see if these had been brought out.

EXECUTIVE SESSION

1
2 MR. STEIN: I don't think so. I
3 didn't recall them.

4 Haven't we covered the pesticides
5 pretty much?

6 MR. HOLMER: Yes, pesticides and
7 fertilizers I have no problem with.

8 MR. STEIN: All right. Let me try
9 this on for size:

10 "In the area covered by the conference"--

11 MR. POSTON: Could we just include
12 that as one of the items--

13 MR. STEIN: Yes.

14 MR. POSTON: --on item #2?

15 MR. STEIN: --"the extensive use of
16 chemicals is employed to clear highways."

17 MR. HOLMER: You can almost leave
18 it there.

19 MR. STEIN: "In constructing highways
20 and buildings extension erosion has resulted.
21 The results of both these activities contribute
22 substantial pollutants to Lake Michigan.

23 MR. POOLE: I have a little trouble--

24 MR. STEIN: Yes.
25

EXECUTIVE SESSION

1
2
3 MR. POOLE: Our technical committee
4 on the south end of Lake Michigan took this
5 matter of chlorides into consideration, those
6 of us who recall the blue book, in that there
7 were chloride limitations established that
8 went up a little bit to the year 2000. Now,
9 I think they were primarily considering just the
10 increase in sewage and the increase in chlorides
11 as you got a greater volume of sewage, although
12 I am not sure that they may not have taken this
13 use of salt into consideration. But what has
14 prompted this, as I remember that blue book,
15 we still had a chloride limitation for the year
16 2000 and it was pretty low, and if this technical
17 committee was right, I don't know whether this
18 deserves the word "substantially" contributing
19 or not.

20 MR. POSTON: Mr. Chairman, we have
21 got some comments here on this.

22 MR. SCHNEIDER: Mr. Poole, there was a
23 paper presented to the 8th Conference of Great
24 Lakes Research, March 29 and 30 of 1965, by Mr.
25 Ownbey and Mr. Willeke. The subject was "Long-Term

EXECUTIVE SESSION

1
2
3 Solids Buildup in Lake Michigan." And they
4 considered this problem of chloride buildup
5 and one of their conclusions was that the
6 chloride buildup need cause no great alarm.
7 Let me read this paragraph:

8 "There are several implications in
9 the foregoing calculations. First, the pro-
10 jected future concentrations"--of chemicals--
11 "are relatively low. Therefore, chloride
12 buildup need cause no great alarm. Second,
13 the municipal contribution is quite small.
14 Therefore, as far as Lake Michigan is concerned,
15 there would be little reason for removing
16 chlorides from municipal wastes. Third, if
17 a reduction in buildup rate is desired,
18 attention should be focused on the large
19 brine sources on the eastern shore of Lake
20 Michigan. Fourth, a large portion of the
21 total chloride comes from rural runoff, a
22 source which is difficult if not impossible
23 to control. If road salting proves to be a
24 significant factor in rural runoff, this could
25 conceivably be controlled."

EXECUTIVE SESSION

1
2 I don't know, I think-- Is Mr.
3 Risley here? He was supposed to be.
4

5 MR. POOLE: I personally don't--I
6 am not contesting the silt from highway
7 construction and other urban construction.
8 I think there are grounds for a lot of
9 improvement there and it is time we started
10 on them. I may not have this thing in
11 perspective at all, but I have had the
12 feeling that we have got a hell of a lot of
13 things to worry about with respect to Lake
14 Michigan before we get to worrying much about
15 the chlorides.

16 MR. SCHNEIDER: Yes. Well, I think
17 that is the gist of this paper.

18 MR. STEIN: Let's work this out.

19 You have raised two questions, Mr.
20 Holmer. One, the question of silt from these
21 construction sites, which we are all aware is
22 a pretty bad one. And the other one, the
23 chlorides.

24 I would like to get an agreement at
25 least on this putting the chemicals on the road.

EXECUTIVE SESSION

1
2 I wouldn't say it was particularly a rural
3 problem. Putting chemicals for de-icing on
4 the road I suspect might be as much of an
5 urban problem as a rural problem.

6 But the question here is, is this a
7 significant problem that you want us to take
8 up?

9 MR. HOLMER: I think it is potentially
10 severe enough that this conference needs to make
11 a recommendation on the subject. The recommen-
12 dation is a relatively simple one, that the
13 FWPCA evaluate the potential danger from de-icers
14 and set at rest a good many of the concerns that
15 have been felt about this nationwide.

16 We have conducted research in Wisconsin
17 on this subject and have reported that within
18 the last 15 months to the Association of State
19 Highway Officials. The report indicates that
20 there is a distinct buildup, but that there is at
21 present no clear indication of imminent danger.

22 I would think that this conference would
23 like to have the Federal Water Pollution Control
24 Administration report back to us specifically on
25

EXECUTIVE SESSION

1
2 this subject with their finding if it confirms
3 what we have discovered; if it confirms what
4 Blucher feels about this, fine. But I don't
5 think that we want to just avoid dealing with
6 this subject which is of great popular concern
7 and I think we have got to address ourselves to
8 that.

9 MR. STEIN: I think you are right. I
10 think we have several problems here: one of the
11 silt, one of these de-icers, and the other of
12 the beaches. You know, whatever you say about
13 pollution control in the exotic terms we use,
14 if the public doesn't feel we are handling those
15 problems, they are not going to feel we are
16 handling pollution problems.

17 Can we all say, though, and let's try
18 to get this, that we feel there really is a
19 problem from the runoff from road and building
20 construction in the silt? This isn't just a
21 problematic operation, is it?

22 MR. PURDY: No.

23 MR. OEMING: Not in Lake Michigan.

24 MR. STEIN: What?
25

EXECUTIVE SESSION

MR. OEMING: Not in Lake Michigan.

MR. STEIN: You don't feel you have something from silt either?

MR. OEMING: No.

MR. STEIN: All right. Then, let's try it in this way. Can we say:

"There has been considerable concern expressed about the use of chemicals to de-ice roads and the effect of runoff from road construction and building sites on water quality of Lake Michigan. The effects"--

You want to stop right there?

MR. HOLMER: Stop right there.

MR. STEIN: All right. O. K.

MR. HOLMER: That is enough.

MR. STEIN: O. K., let's stop there.

MR. HOLMER: I think it makes a record.

MR. STEIN: O. K. . Right.

Are we all in agreement with that conclusion?

MR. POSTON: Read it once more.

MR. STEIN: Do you want to read it back?

(Record read as follows: "There has

EXECUTIVE SESSION

1
2
3 been considerable concern expressed about the
4 use of chemicals to de-ice roads and the effect
5 of runoff from road construction and building
6 sites on water quality of Lake Michigan.")

7 MR. STEIN: Period. All right.

8 If there is no objection, let's try
9 to do that. I think we have laid the foundation
10 there to what we are going to do. Right.

11 MR. HOLMER: The second thing in the
12 Water Quality Act has to do with the adequacy
13 of abatement measures. I think this has been
14 touched on directly or indirectly. This is
15 not a problem. But there are not in the con-
16 clusions any comments with respect to the nature
17 of delays encountered in abating polluting.

18 I think there are a number of very
19 important points that need to be made, and
20 they are made starting on the bottom of page
21 five and running to the top of page eight in
22 this statement of ours. The subjects involved
23 are the fact that there are problems in recog-
24 nition of existence of pollution. For instance,
25 the problem of thermal pollution was denied,

EXECUTIVE SESSION

1
2 really, and there are still many questions about
3 it. Well, I think the fact that there are un-
4 certainties of knowledge is an important part
5 of the problem.

6 Determining the means of abating
7 pollution. The requirement for research. I
8 think we need to recognize that there may be in
9 some areas still needs for additional research
10 and experimentation, and this is a source of
11 delay.

12 Now, I would want to make it clear,
13 I am not calling for inaction. We have to
14 apply the best known methods when they are
15 necessary, but it may be that there are occasions
16 in which you would delay while awaiting the
17 results of research.

18 Another source of problem for us
19 is the limited manpower pool against which we
20 are drawing to do the things that need to be
21 done. I think we ought to recognize this, not
22 as an excuse for inaction, but as a source of
23 delay.

24 Now, still another area where we have
25

EXECUTIVE SESSION

1
2 got problems, and I think we ought to recognize
3 this in the summary of the conference, is the
4 fact that we are dealing with some large and com-
5 plex problems. One of the recommendations ought
6 to be that we separate sewers and that we devise
7 regional collection systems and that we try to
8 bring together both industries and municipalities.
9 These things take time and I think we ought to
10 recognize that we are dealing with political as
11 well as engineering realities in anything we do.

12 There are political and legal considera-
13 tions aside from this. We need to have in our
14 States the kind of record on which we can proceed
15 to enforce our orders, and this is necessary.

16 There are other areas where new legis-
17 lation is required. We heard a suggestion this
18 morning that we ought to adopt legislation this
19 year. Well, that is not going to be very possible
20 in Wisconsin with the legislature not in session.
21 So this needs to be built into our system.

22 Finally, there are a couple of sources
23 of uncertainty that I think we need to recognize.
24 The first is that of defining with clarity what
25

EXECUTIVE SESSION

1
2 constitutes pollution and what constitutes the
3 degree of abatement to be expected of municipi-
4 palities, industries and government installations.
5 I think we are talking here about some of the
6 problems of simply collecting and evaluating the
7 data that it takes in order to properly manage
8 a river, and we have got some problems here
9 that will take time.

10 Finally, you have got this fiscal
11 uncertainty that I am not going to beat over
12 the head again. I think it is a tripartite
13 responsibility or a quadripartite involving
14 industry, municipalities, States and Federal
15 Government. And until that is resolved we
16 have got a built-in delay.

17 I think it would be a mistake not
18 to incorporate a statement of this kind in the
19 summary of the conference.

20 MR. STEIN: Well, I don't know, do you
21 have a proposal?

22 MR. HOLMER: Yes, sir, four pages of it.
23 Do you want me to read it?

24 MR. STEIN: Your proposal is four pages?
25

EXECUTIVE SESSION

1
2
3 MR. HOLMER: Yes, sir.

4 MR. STEIN: To be put in or something
5 more succinct?

6 MR. HOLMER: This is as succinct as
7 it can be. (Laughter.)

8 MR. STEIN: Do we have any other views
9 on this?

10 MR. KLASSEN: I will express my views.
11 I have a tremendous respect for my colleagues
12 from Wisconsin, but I am not in favor of putting
13 this in. Frankly, this sounds like the stories
14 we hear from industry, all the reasons that
15 they can't do something.

16 I am not in favor of putting all of
17 these reasons why the job can't be done as
18 officially recognized. As they appear and if
19 and when they appear, and I agree that they
20 might, let's solve them then. But I don't think
21 that we ought to recognize the fact that all
22 of these things could be delays.

23 MR. OEMING: Mr. Chairman.

24 MR. STEIN: Mr. Oeming.

25 MR. OEMING: I don't disagree with Mr.
Klassen. I respect his judgment in this as well.

EXECUTIVE SESSION

1
2 But I think what Mr. Holmer is talking about
3 is the reason for delays up to the present
4 time. We are not talking about why there
5 should be reason for delay in the future.
6

7 MR. HOLMER: In some instances I am
8 talking about the reasons why or the things
9 that we have to take into account in order to
10 minimize the corrective action. For instance,
11 legislation--

12 MR. OEMING: You cited, Mr. Holmer,
13 the statute. It is perfectly clear in the
14 statute that we are supposed to put our finger
15 on what were the natures of the delays, if
16 any, that brought us to this point. This is
17 the way I look at it, Mr. Chairman.

18 And I thought that is where the main
19 thrust of your argument went. Not that we are
20 paving the way for excuses in the future.

21 MR. HOLMER: I am trying to recognize
22 when we get to making recommendations we are
23 going to put a timetable on and we are going to
24 put it just as tight as it can possibly be, and
25 I don't think that we are proposing here that

EXECUTIVE SESSION

1
2 we in any way try to delay the achievement of
3 the preservation of Lake Michigan. I don't
4 think that is the question.
5

6 I think the question is, in setting
7 our timetable in our recommendations we want
8 to be realistic. There is no point in setting
9 a timetable that we can't meet. And I think if
10 we don't recognize that research is sometimes
11 necessary in areas in which we do not have the
12 information, I think we would be making a mis-
13 take.

14 MR. OEMING: Yes.

15 MR. STEIN: Mr. Poston?

16 MR. POSTON: Well, I felt that we have
17 talked about this, it is like many other parts
18 of presentations that have been made and is not
19 particularly pertinent to bringing this up in
20 the summary as a most important thing. There
21 are many things that were discussed in the five-
22 day period of our deliberations last month, and
23 I don't feel that every one of these points
24 need be covered, inasmuch as they will be in
25 the record for those who want to study this out.

EXECUTIVE SESSION

1
2
3 MR. STEIN: Again let me try to bring
4 you back. The statute says that in the summary
5 we have to discuss the nature of the delays.
6 Now, as I see this, the nature of the delays
7 in the problem of cleaning up pollution of Lake
8 Michigan on the basis of what you said are due:
9 one, to the complexity of the problem; secondly,
10 to the notion that we are dealing with political
11 entities that have to be brought together;
12 thirdly, that in order to solve the problem
13 we may have to have new legislation; fourth,
14 that we may have to have and we haven't resolved
15 yet the problem of adequate financing; and
16 fifth, that we do not have the answers, the
17 definitive answers, to all the problems and
18 they have not been able to be related.

19 As far as I can see, this is in summary
20 what the nature of the delays here are--

21 MR. OEMING: That is right.

22 MR. STEIN: --and I think the statute
23 requires us to say something on that and we
24 should give consideration to that in the time
25 schedule.

EXECUTIVE SESSION

1
2
3 But I am wondering if we can't arrive
4 at some kind of generalized summary of the
5 nature of the delays up to now or recognize
6 that, because I suspect if we get into the
7 specifics, into details, we may run into some
8 problems.

9 What you are saying is, I think,
10 entirely correct, and unless we recognize that,
11 we are going to set up a false time schedule,
12 fool ourselves, fool the people, and in my
13 estimation a time schedule that is too tight,
14 unable to be realized, is worse than the too
15 easy time schedule, because when you get a too
16 tight time schedule and the time schedule isn't
17 met and you can't enforce it, the time schedule
18 is past and then you are rolling on and you
19 are continuing to pollute.

20 What you have to have is a reasonable
21 time schedule that is going to be met. And I
22 don't know, if you--

23 MR. HOLMER: I will accept that state-
24 ment.

25 MR. STEIN: If you want to put these

EXECUTIVE SESSION

1
2 in these generalized terms as to the nature
3 of delays, maybe we can try that.

4 MR. OEMING: May I suggest, Mr.
5 Chairman, that you have formulated here a
6 general framework for what has concerned me
7 as imposed upon us by the statute, and I don't
8 believe we are going to resolve this right
9 here at the moment. But how would it be to
10 have the Secretary take that portion out of
11 your statement here and bring it back in and
12 see if we can resolve this into a general
13 statement of--

14 MR. STEIN: All right.

15 MR. OEMING: --what are the nature
16 of the delays, rather than an exposition. I
17 think this has some difficulties with it, Mr.
18 Holmer. An exposition such as this is fine,
19 but to boil this down, and it seemed to me
20 that the Chairman did this. And finally, there
21 are a couple of things that occurred to me
22 that we might add to this yet along the same
23 lines of this statement, but would formulate the
24 kind of a job that we should do here under the
25

EXECUTIVE SESSION

statute to meet this requirement.

MR. STEIN: Let the Secretary use that as a point and we will give this to the Conferees and let them work this over.

Now, I see Mr. Klassen shaking his head. And you know, it may have taken me 20 years to learn this, but I know when Klassen shakes his head I don't want to go ahead without pausing.

MR. KLASSEN: Just let me make one comment, Mr. Chairman, and this is a comment and a prediction.

The polluters are going to capitalize on every one of these delays that we recognize, and I am speaking specifically now of certain industries that gave nothing but excuses at the last time that they need more time to study. We have heard this for 25 years, and I am not for building into this some justifications that they can go back and say, "Well, you said this could be a delay, so we need more time to study." I am not in favor of including them in there.

And if I am outvoted, it is all right.

EXECUTIVE SESSION

1
2
3 MR. POSTON: You mean your idea is
4 to be on with cleanup of the lake, is that
5 what you are saying?

6 MR. OEMING: Mr. Klassen--

7 MR. KLASSEN: Well, we know these
8 things, but why give justification for somebody
9 that is now polluting the lake that shouldn't
10 be to capitalize and they say, "Well, you
11 recognize this yourself, so how can you criticize
12 us for not going ahead? We need to further
13 study this problem."

14 MR. OEMING: I know your concern,
15 Mr. Klassen, but how do we answer this question?

16 MR. KLASSEN: What question?

17 MR. OEMING: The framers of the statute
18 must have had in mind that we must look over our
19 shoulder and say what were the reasons? Other-
20 wise, they wouldn't have put it in there. How
21 would you propose to get over this question that
22 is in the statute--

23 MR. KLASSEN: What, timetable?

24 MR. OEMING: --as to what are the nature
25 of the delays, if any, that have occurred?

EXECUTIVE SESSION

1
2
3 MR. KLASSEN: When the delay occurs,
4 face it then and solve it.

5 Now, I am for setting deadlines
6 and if the deadlines are not met at the time
7 the deadline is reached, then to evaluate
8 whether you are going to make an extension.

9 MR. OEMING: Well, you are--

10 MR. KLASSEN: It has been my position
11 with Illinois and Indiana. I never said I
12 was against extending deadlines but I was
13 against extending deadlines 18 months before
14 the deadline was met.

15 MR. OEMING: Yes, I appreciate, you
16 are looking at it a little differently than
17 I am in that as I read subsection 4 of the
18 statute, it says that the conference summary
19 include the nature of delays, if any, being
20 encountered in abating pollution. Now, that
21 means as of this time. It doesn't look forward
22 to setting time schedules that aren't met in
23 the future, but what are they today, what have
24 they been.

25 MR. KLASSEN: I don't know of any

EXECUTIVE SESSION

delays right now, I honestly don't.

MR. OEMING: I think I can think of some.

MR. KLASSEN: If somebody wants to outline an industrial problem that can't be solved, I would like to hear about it.

MR. OEMING: Well, let me point out to you, Mr. Klassen, that in the conference itself I think it was obvious that there was a good deal of reservation on the part of the Conferees that the matter of taking care of phosphates was a practical and reasonable matter, where it may be different today. But as short a time ago as a month ago this was not universally accepted by the Conferees.

MR. KLASSEN: That is right.

MR. OEMING: So isn't that a delay, the fact that we didn't know, perhaps, or weren't ready to accept--

MR. KLASSEN: It was a month ago, but it is not a delay today.

MR. STEIN: All right, let's put it this way. I think we have the formulation of

EXECUTIVE SESSION

1
2 a statement that the Secretary will type for you.
3 Whether we adopt that, expand it with a few other
4 items that Mr. Oeming wants or eliminate it com-
5 pletely we will determine as we go on. I think
6 we have drawn the issue and I understand the
7 views.

8 Let me make one point. There is
9 something in the statute--this has always been
10 a vexing point to me. The statute says we
11 have to determine the nature of the delays,
12 if any. Now, Mr. Klassen, I have always felt
13 that this was something that was thrown in the
14 compromise of the legislation, and every line
15 of our legislation is a compromise, possibly
16 as a sop or a justification to the polluters
17 to indicate that the record would indicate why
18 we haven't cleaned this up until now.

19 But it is in the statute and it is
20 something we are going to have to meet one way
21 or the other.

22 MR. KLASSEN: Yes. It is not a
23 mandatory thing in the statute, only if you
24 have these obstacles.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: No, it says the Secretary
4 must include in the summary the nature of the
5 delays, if any.

6 MR. KLASSEN: If any.

7 MR. STEIN: Now, if there are none,
8 let's say it.

9 MR. KLASSEN: All right. I haven't
10 heard any yet.

11 MR. STEIN: All right.

12 MR. OEMING: If there weren't any
13 delays, I don't know why we are here.

14 MR. KLASSEN: I am talking about
15 future delays.

16 MR. OEMING: Yes, I know you are,
17 Clarence.

18 MR. STEIN: All right.

19 Yes, Mr. Wisniewski.

20 MR. WISNIEWSKI: In view of Mr. Klassen's
21 comments that there have been no delays, should
22 we then in the summary include the statement
23 under the subject of nature of delays that
24 there have been no delays in the abatement of
25 pollution of Lake Michigan?

EXECUTIVE SESSION

1
2 MR. KLASSEN: I didn't say that. I
3 said I know of no delays from here on that we
4 ought to recognize. There have been delays.

5 MR. OEMING: Don't you think we can
6 fix that up by saying that up to this point in
7 time?

8 MR. KLASSEN: Yes, yes.

9 MR. OEMING: This is what I am talking
10 about.

11 MR. STEIN: I think we have a statement
12 to work on. Let's either expand it or analyze
13 it and go ahead.

14 Do you have another point, Mr. Holmer?

15 MR. HOLMER: Only with respect to the
16 recommendations when we start in on them, which
17 I assume will be almost forthwith, that we may
18 want to consider the order in which we review
19 the recommendations dealing with the research
20 and information needs first and going then
21 through a logical sequence and ending up with
22 the treatment recommendations. It seems to
23 me that until you have dealt with the research
24 and information needs, the preventive measures
25

EXECUTIVE SESSION

1
2 you want to take, the collection facilities
3 recommendations, you are not really prepared to
4 deal with treatment recommendations, because
5 all of these lead up to and tend to govern the
6 treatment recommendations. I make that as a
7 general preface to the recommendations.

8 MR. STEIN: Are there any other
9 comments on that?

10 MR. KLASSEN: I would like to hear
11 some of these. It is in the same category as
12 delays. If we are going to predicate the
13 recommendations on necessary research, I think
14 I know what Mr. Holmer means, if it is on
15 research on phosphates, maybe we ought to get
16 some of that basic information before we get
17 into these. I would be willing to give it a try.

18 MR. STEIN: Well, we might give that
19 a try because we have Dr. Weinberger here today.
20 If you have any questions, we can sift out the
21 additional information and the research we might
22 need before we can come into recommendations, if
23 that is what you want to do.

24 MR. HOLMER: That is what I would suggest.
25

EXECUTIVE SESSION

MR. STEIN: What are the particular areas where you think you may need some more additional information and research so we can get started on them?

MR. HOLMER: Well, we begin on page 9 and they deal with water--

MR. STEIN: Is this in your statement?

MR. HOLMER: On my statement, yes, sir. They deal with water quality monitoring, the question of establishing a priority for the review of water consumption needs of the basin, the thermal pollution recommendation, because I think until you deal with what--how you are going to get at the thermal pollution problem on a research basis we wouldn't want to make any--

MR. STEIN: Well, it is a question-- we have a thermal pollution man here, too, and I asked him to come up.

What do you want to deal with first? Do you want to deal with thermal?

MR. HOLMER: I think that probably another issue that may come first--and I am not sure that the Conferees want to go with this.

EXECUTIVE SESSION

Maybe they may want to--

MR. STEIN: No, I think you have a point. Let me put this and you may have several points. I think the areas we are pushing at are these:

We were out to U. S. Steel yesterday; I think these people have shown what they can do in industrial pollution. I think we are pretty much squared away on what can or can't be done on municipal pollution. We have several problems.

If you want a brief on information on that, one is the thermal pollution problem, another is the phosphate problem, possibly the interim problem to deal with the alewives, which I think is a straightforward program, and I don't know that the facts are in doubt there. But other than the thermal pollution problem, and we have Mr. McLean here, or the phosphate problem, and we have Dr. Weinberger here, do we have any other real problems we need any research on here or information?

MR. POOLE: How about pesticides?

EXECUTIVE SESSION

MR. STEIN: And pesticides.

MR. OEMING: Yes.

MR. KLASSEN: Can't we take these up as we come to the Federal recommendations?

MR. STEIN: No--well, the suggestion of Mr. Holmer was--this was what I originally thought we might do, is just take them in order and as they came up get into these. He suggests that before we even go into the recommendations we have to have a discussion of this type.

Now, this is the question of a vote you want to take. Do you want to take these one at a time and as the questions come up get them or go into these theoretical discussions first?

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: May I suggest that you provide Mr. Holmer the opportunity to make a statement here about--we are talking all around the subject. Can't we get him to make a statement about what is concerning him in the order of presentation here--

EXECUTIVE SESSION

MR. STEIN: Right.

MR. OEMING: --or what he has in mind?
Can we get this down and then we can talk about
it?

MR. HOLMER: Well, I think that there
are--

MR. OEMING: Specifics, now.

MR. HOLMER: --with respect to such
things as alewives, for example, and I am just
taking this, we would recommend that Michigan
and Wisconsin continue their efforts to develop
better control of alewives. I think we ought
to make such a recommendation out of this
conference. And that all four States and
Federal agencies cooperate with the Bureau of
Commercial Fisheries in an early warning system.

MR. STEIN: Yes. May I, and this is
just procedural, rather than get right now into
the specifics of the recommendations procedurally,
what order would you like us to take these up in?

MR. HOLMER: I would like to deal with
research and information first.

MR. OEMING: O. K., now.

EXECUTIVE SESSION

1
2
3 MR. STEIN: What kind of research
4 and information?

5 MR. HOLMER: In my order, water
6 quality monitoring comes first. I think we
7 ought to take some steps to improve our water
8 quality monitoring so we know where we are and
9 are going to be, and so I suggest and make a
10 recommendation here. From there go to the
11 basic question of water quantity, which I
12 think has got to underlie some of our decisions
13 with respect to collection and treatment later
14 on. Then I would get into the thermal pollution
15 problem and then into the control of alewives
16 and pesticides, fertilizer application, de-icers
17 and detergent research.

18 MR. STEIN: Are you suggesting we do
19 this before we take up the specific recommendations?

20 MR. HOLMER: I am suggesting that you
21 need information--

22 MR. STEIN: No, there are two ways
23 of doing this.

24 MR. HOLMER: These are specific
25 recommendations.

EXECUTIVE SESSION

1
2
3 MR. STEIN: I understand that, sir,
4 but I think there are two ways of doing this.
5 One, we can run down the specific recommenda-
6 tions and as these questions come up we can
7 grapple with them or we can defer in dealing
8 with the specific recommendations and take them
9 in this order first. Now, what would you like
10 to do? And I am just talking procedure. I am
11 not talking--

12 MR. HOLMER: But in what order do you
13 take up your specific recommendations, then?
14 What is the logic in the arrangement so that
15 we are proceeding in an orderly fashion?

16 MR. STEIN: I am not sure that this
17 isn't a seamless web and wherever you start
18 you just have to grab hold of it. I don't have
19 any brief for the way we begin to get at this.

20 Here is the only feeling that I have.
21 If we deal with a theoretical discussion, we
22 are not going to have any specific proposals.
23 If we immediately start with specific proposals
24 and take them off, as far as I am concerned,
25 as we have gone now from 1 to 15, now maybe

EXECUTIVE SESSION

1
2 we will get to 20 or 30, but I would hate to
3 get through the day and find that we were
4 still at 15.

5 And maybe this is the way to do it.
6 Maybe this is the fastest way in the end.

7 MR. HOLMER: Let me explain, Murray.
8 I am not talking about theoretical discussions
9 at this point at all. I am talking about a
10 series of specific recommendations. And I
11 think we ought to deal with specific recommen-
12 dations, we ought to go through one at a time.

13 I am perfectly willing to go with the
14 Federal. I am suggesting that I think we might
15 find it more satisfactory to deal with their
16 recommendations relating to research before we
17 deal with their recommendation relating to
18 municipal wastes.

19 MR. STEIN: I have no objection to
20 that if the Conferees would agree to that.
21 Now, I would like to hear an expression.

22 MR. POSTON: We tried to group these
23 recommendations, as you can see, and we started
24 out with municipal pollution, municipal waste,
25

EXECUTIVE SESSION

1
2 combined sewer wastes, industrial waste, Federal
3 installations, general headings, power plants,
4 dredging, watercraft, land use practice, surveil-
5 lance. This is one of the items that you in-
6 cluded under research. And then finally research,
7 alewives and progress evaluation.

8
9 MR. OEMING: Well, as much as I don't
10 like to take sides here, I am satisfied in my
11 own mind at this point in the discussion that
12 the question of research that is needed could
13 logically come from the discussion of other
14 recommendations. That is, this would boil down
15 to the need for research, unless there is some-
16 thing I miss here, Mr. Holmer, that you feel
17 that there is an important element here that
18 ought to precede for some specific reason, and
19 I haven't heard that yet.

20 MR. HOLMER: Well, if you will look
21 at the Federal recommendations on research, 24,
22 25, 26 and 27, they recommend that research be
23 accelerated in ways to reduce the rate of
24 eutrophication; non-point nutrient sources be
25 identified and quantified, and control methods

EXECUTIVE SESSION

1
2 be developed; present research be strengthened
3 in ways to remove nutrients, and so on.
4

5 Now, if these are to be our research
6 recommendations, then is there an inconsistency
7 here with the earlier recommendations that
8 relate to these subjects? I find it a little
9 awkward to do both, you see, without having
10 laid out the precise areas of research that we
11 need to do so that we know that our recommenda-
12 tion is not going to be changed when we get to
13 the research recommendation.

14 MR. POSTON: Well, I think we have
15 some difficulties in assigning these research
16 projects to researchers and that in this--

17 MR. HOLMER: You mean ways?

18 MR. POSTON: To get people that will
19 take on the particular job that you are talking
20 about.

21 MR. STEIN: No. No, we are going to--

22 MR. POSTON: It may be a State agency
23 or Federal agency, some other agency that would
24 finally do this.

25 MR. STEIN: Let's get an expression.

EXECUTIVE SESSION

Mr. Poole, do you have any problem taking these up in order or do you want to do this the other way?

MR. POOLE: Well, I think, as I glance through them, it seems to me as you go through the recommendations that the discussion will undoubtedly bring out where there is a feeling there is a need for research, and so I am sorry to apparently disagree with Freeman, but I would have no problem in treating the research at the end.

MR. STEIN: How about--

MR. POOLE: I didn't think on Mr. Poston's revised recommendations that he sent out to us that he had treated research as adequately in his revisions as he did in his first draft. But I guess we can do it either way. I am afraid that--

MR. POSTON: We can go back and take the first draft, maybe.

MR. POOLE: I am afraid if we try to nail down here all of the research needs that any of us will dream up that we are probably

EXECUTIVE SESSION

going to spend up until that 5 o'clock hour
you were talking about just on--

MR. HOLMER: Mr. Stein, let me apologize
to my fellow Conferees. I wanted to expedite
our proceedings. I haven't and I withdraw it.

MR. STEIN: All right, let's go.
Let me make a suggestion. I have read 24, 25,
26, 27. The way they have read this, if you
take these up first, I don't know that we
would be any farther ahead. As a matter of fact,
I am not sure we wouldn't have lost four yards.
It is like running against a defense of the Green
Bay Packers.

But let me suggest this. I think we
are going to have the best of both possible
worlds. We all know what the research impli-
cations are. Let's take them up one at a time.
If you can tab a research implication in any
of these recommendations that we cannot go
ahead with this without flagging that and going with
it, let's bring it up. Now, let me try this
and you follow in your stuff.

Recommended actions. One--

EXECUTIVE SESSION

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: Now I have to get in here before you get into recommendations.

I have, I think, two questions that bear upon your consideration and the Conferees' consideration of these specifics and recommended actions.

Number one, I would like to have an expression of the Conferees whether we are going to deal with effluent criteria, effluent standards, in dealing with the problem of Lake Michigan or are we going to deal with water quality standards to protect the uses of Lake Michigan, and the implementation of these standards to be done as necessary to get the end result that we are seeking in Lake Michigan.

Perhaps I had better drop it there and then I have a next question depending upon the answer to this one.

MR. STEIN: I don't know. Do you people want to try that?

MR. POOLE: Would you restate it, please?

EXECUTIVE SESSION

1
2 MR. STEIN: The question is are we
3 going to water quality standards in the lake
4 or are we going to work with effluent standards.

5 FROM THE AUDIENCE: Pardon me, sir,
6 is the loud speaker on?

7 MR. STEIN: I haven't got the faintest
8 idea.

9 But I tell you, if you have ever been
10 to a pollution control meeting for the past 50
11 years and you haven't heard that question raised,
12 you haven't been to a pollution meeting. You
13 haven't missed one. This is the fundamental
14 question we always discuss.

15 MR. KLASSEN: Is there an official
16 Federal interpretation on this, Mr. Chairman?

17 MR. STEIN: No.

18 MR. KLASSEN: Can we use either?

19 MR. STEIN: Use either or both. I
20 am ready to hear from you people on this.

21 Let me give you my view on this since
22 none of them have spoken up.

23 You know, Larry, this has been a
24 question that has been raised at every pollution
25

EXECUTIVE SESSION

1
2 control meeting that I have ever been to in
3 my life. I think if you raise this in the
4 philosophic way you have raised it, I have
5 never heard it resolved yet and I am not sure
6 you have. It is my view that we move in and
7 we take these one question at a time and
8 knock these off, because if you are going to
9 get into this question of stream standards versus
10 effluent standards and what we are going to do
11 on the theoretical basis, we can have a long
12 discussion, come to some kind of Mexican stand-
13 off, and then the first issue we get in we are
14 going to contradict ourselves.

15 MR. KLASSEN: May I ask one question?
16 And this is not theoretical, this is practical.
17 It was asked of us by the Federal Water Pollution
18 Control.

19 You are making recommendations here
20 for effluent standards. Does that mean that
21 you are assuring the Conferees that if these
22 effluent standards are met that the water quality
23 standards that you have approved will be met?

24 MR. STEIN: Mr. Poston?
25

EXECUTIVE SESSION

1
2 MR. POSTON: No, I don't think that
3 is the intent here at all.

4 MR. OEMING: Well, gentlemen, we are
5 in a maze now.

6 MR. KLASSEN: Isn't this the pertinent
7 question?

8 MR. OEMING: This is the pertinent--

9 MR. STEIN: No, I think your question
10 is pertinent. There may be another answer to
11 it, and I don't know that this answers the
12 question. Either the effluent standards have
13 to be met as a minimum--

14 MR. KLASSEN: Yes.

15 MR. STEIN: Now, if the water quality
16 standards are not met, you may have to do some
17 more.

18 MR. KLASSEN: Yes.

19 MR. HOLMER: Well--

20 MR. STEIN: But as a minimum you
21 would have to meet these effluent standards to
22 get started.

23 MR. KLASSEN: After they have spent
24 money on this, the water quality standards that
25

EXECUTIVE SESSION

1
2 the States have proposed that have been accepted
3 might not be met.

4 MR. STEIN: Well, I would hope that
5 their effluent standards were related--

6 MR. KLASSEN: This was my question.

7 MR. STEIN: --to the water quality
8 standards.

9 MR. KLASSEN: The way these have been
10 worked out by the Federal Water Pollution Control,
11 is there assurance, and this is the same ques-
12 tion Federal Water Pollution Control asked the
13 State of Illinois on our effluent standards,
14 can we be assured that the effluent quality
15 standards that the State of Illinois proposed
16 will meet the water quality standards? We made
17 the recommendations before. Now you are making
18 them. I am asking you the same question.

19 MR. STEIN: What question do you ask
20 us you couldn't be sure in every case? And I
21 never knew, Clarence, that you ever thought we
22 were smarter than you.

23 MR. KLASSEN: You are reading something
24 into that.
25

EXECUTIVE SESSION

(Laughter.)

MR. STEIN: No, I am not reading a thing.

MR. KLASSEN: You gave an honest answer to it.

MR. STEIN: I am not reading a thing into this.

MR. KLASSEN: You gave an honest answer.

MR. STEIN: I think when we have run millions of automobiles out, we are reasonably sure that when an automobile comes off a production line that it is going to run. I wish we were as definitive on water. All we are doing is the best we can.

Now, as I judge these, and I haven't discussed this with our technical people, I assume that what they are saying, that if these effluent standards are met the water quality standards are going to be met. They absolutely don't know any more about water quality control than Mr. Holmer, Mr. Poole, Mr. Oeming, Mr. Klassen, Mr. Stein. We can't provide the

EXECUTIVE SESSION

definitive answer. I am not sure that they can. This is their closest and best guess.

MR. KLASSEN: Good.

MR. STEIN: Now, the way I would suggest running this to cut through this Gordian knot is that if these effluent standards you feel are not reasonable to meet the water quality standards, then we should take these up and deal with them. But I don't think you can ask the Federal people, as they wouldn't ask you, to make a prediction or come up with a judgment on a tolerance which is more than anyone can do given the state of the art today. What can you do? We can only do our best.

Hopefully, they have their water quality standards; they feel these effluent standards can reasonably meet them. If they do that in 100 percent of the cases, I will be surprised.

MR. KLASSEN: You have answered my question and I think if this is what we all understand, I think this is what we do understand,

EXECUTIVE SESSION

1
2 this kind of--

3 MR. STEIN: Yes.

4 MR. KLASSEN: This kind of a--

5 MR. STEIN: Yes.

6 MR. KLASSEN: I think you gave a
7 very fair statement of it.

8 MR. HOLMER: But would it not be
9 better in the long run for us to be dealing
10 with the obligation each of us as States has
11 assumed to achieve the water quality standards
12 which were approved just before this conference
13 for some of us by the Secretary of the Interior?

14 Do we know whether it is necessary
15 to do all of these things in all of the waters
16 of the basin in order to achieve these standards,
17 would be one question that automatically comes
18 up. Is it going to prove necessary to do more
19 in some places in order to achieve those water
20 quality standards?

21 Wisconsin is prepared to do more if
22 that is what is required.

23 MR. STEIN: All right.

24 MR. HOLMER: Because we believe in the
25

EXECUTIVE SESSION

water quality standards.

MR. STEIN: All right. As I read the first one, and you know, I don't want to get--again, this is the crucial point here. The question is they talk, and I am not sure they go on with this advanced waste treatment, I am not sure I know what advanced means, but if you are going to provide waste treatment to provide this kind of treatment.

Now, the problem is, if any less is going to be provided you are going to meet the water quality standards. If any more is needed you are going to have to get that more to meet the water quality standards. Isn't that correct?

MR. HOLMER: But my point is I am not interested in whether the discharge has got one part per million of elemental phosphorus. I am concerned about getting the phosphorus in the shoreline down to the place where we don't have nuisance algae.

I feel the same way about BOD. We want to protect the quality of the water, not to--

MR. STEIN: This is the old business.

EXECUTIVE SESSION

1
2 Now, how are we going to be able to determine
3 whether any polluter or any discharger is
4 meeting a program? It seems to me the fastest
5 way we can determine this, and you determine
6 this in all your State programs when you issue
7 a permit, is what they are producing and what
8 kind of effluent they are producing. Now, if
9 you get a situation where you believe that they
10 don't have to meet this to meet the water quality
11 standards, I think we have to face that situation.
12 Again if we get to a situation where given this
13 this isn't quite enough and they are going to
14 have to even do more than this to achieve this,
15 then we are going to have to meet that.

16 But it seems to me if we are going to
17 kick off a program where we can measure results,
18 we have to deal with the individual polluters,
19 decide what kind of improvement these polluters
20 are going to make and when they are going to do
21 it and check to see if they have done it, because
22 otherwise you won't know what they have done.

23 MR. HOLMER: Well, but this is our
24 responsibility to see that the burden and the
25

EXECUTIVE SESSION

responsibility for doing this is discharged in accord with the proper management of the various basins involved in our problem.

MR. STEIN: In other words, you don't want us to give you--we are not supposed to have any specifics on what the individual polluters are going to do. We are going to leave it up to you and maybe after five years if we find the waters are not meeting those qualifications and these guys have primary treatment or no treatment at all, that this is the judgment we move in.

How does that put us ahead of where we are today, Mr. Holmer? Don't you think that we and the public are entitled to know specifically what each of these sources of pollution are going to do and when they are going to do it?

MR. OEMING: Mr. Chairman, may I take you on for a while?

MR. STEIN: Sure.

(Laughter.)

MR. OEMING: Let's start here with the basic Federal statute which says that the

EXECUTIVE SESSION

States were supposed to adopt water quality standards on interstate waters.

FROM THE AUDIENCE: Would you use the microphone, please?

MR. OEMING: I don't know whether I can or not.

The States have all adopted water quality standards for Lake Michigan. The Federal statute, so far as I can read it, does not say that accompanying these standards-- it says a plan of implementation, doesn't it? They want a plan of implementation with the standards.

The States have also adopted plans of implementation along with their standards, have submitted those to the Secretary of the Interior, and the Secretary has approved those, with a few exceptions here and there which do not necessarily complicate this issue at this time.

I am asking you and the Conferees whether the recommendations on specific effluent restrictions now mean that whatever you

EXECUTIVE SESSION

1
2
3 subscribe to here must now go back and be
4 incorporated in the standards? My question
5 primarily--the basic question is what is the
6 relation of the standards and plans of imple-
7 mentation which have now been approved by the
8 Secretary of the Interior for Lake Michigan,
9 what relationship does that bear to this
10 conference?

11 I think that is the basic question
12 that needs to be answered.

13 MR. STEIN: Well, here, you know,
14 this is a wonderful question; I am glad you
15 asked it.

16 Mr. Klassen, when the Congress enacted
17 the provisions dealing with standards, they
18 specifically did not repeal the enforcement
19 provisions. Governor Kerner of Illinois asked
20 for an enforcement case. We under the Federal
21 statute had no option but had to respond to
22 that case. In order to get a response to that
23 case, these people have come up with recommended
24 actions to clean up the streams. The kind of
25 judgment they are going to make on each individual

EXECUTIVE SESSION

1
2 polluter--and by the way, if these individual
3 polluters do not measure up at the conference
4 stage, we can go to a hearing and then to court,
5 and the way we judge these polluters is exactly
6 the way you, Mr. Poole, Mr. Holmer and Mr.
7 Klassen do it, whether each of them are putting
8 out a specific effluent requirement so they
9 will not pollute.

10 In order that they will be on notice,
11 that you will be on notice, that we will be on
12 notice, I think we have to give these waste
13 dischargers a clear indication of what we
14 expect of them. I would hope that the Federal
15 people have come up with recommendations which
16 are consistent with the standards and the
17 standards will be met and there will be no
18 conflict. If there is, maybe we should hear it.

19 But you have to recognize that we
20 have the first stages of an enforcement action
21 initiated, not by us, but by a governor of a
22 State, that if at the first stage of this
23 enforcement action satisfactory results are
24 not achieved we are going to a hearing and we are
25

EXECUTIVE SESSION

1
2 going to court. And if you do not want to
3 put your cities and industries on notice
4 right now what you are going to expect of them
5 and what the Federal Government is going to
6 expect of them, I think we are doing them a
7 tremendous disservice.

8 MR. OEMING: I say that--

9
10 MR. STEIN: I say that if we are
11 asking them to spend millions of dollars they
12 are entitled to know what we are asking them
13 to do at the earliest possible opportunity,
14 and this is the time.

15 MR. OEMING: Mr. Stein, I don't
16 disagree with what you say, but I say that this
17 is in the plans of implementation at present.
18 Otherwise it wouldn't have been approved by
19 the Secretary.

20 MR. STEIN: Well, if there is no
21 difference in this plan of implementation,
22 all we have to do is sign off on it.

23 MR. OEMING: There are differences,
24 however, here in these proposals.

25 MR. STEIN: If there are differences,

EXECUTIVE SESSION

these are the ones to be brought up.

MR. OEMING: O. K. This is what I am talking about.

MR. STEIN: But I think the thing is to get down to specifics.

MR. OEMING: All right.

MR. STEIN: All right, let's deal with the first one.

MR. HOLMER: Are we going this way?

MR. STEIN: Well, go on. We are not cutting you off.

MR. HOLMER: I thought you were going to go from here now into the--

MR. STEIN: Twenty-four? No. As I understood the consensus, it was to go the other way. Now, I may have misread this.

MR. HOLMER: Going into Item One of the recommendations?

MR. STEIN: Yes, that is what I understood was the consensus of the Conferees of all the States. I think you were in favor of going the other way, but as I polled the others they wanted to start with Number One.

EXECUTIVE SESSION

1
2
3 MR. HOLMER: Yes. But I am wondering
4 if we are through with Larry's question.

5 MR. OEMING: I am not through, but
6 I am holding it back.

7 MR. STEIN: He is not through; he
8 said, he is holding it back. And I think if
9 we proceed, these things will come out. So far
10 we have achieved unanimity not only in this
11 case, with another case. My notion is if we
12 get started, all these questions will come out.

13 We are not going to bypass anything.
14 I am ready to take this up in any order that is
15 suggested. As I gather from the Conferees, at
16 least four of them want to take this up from
17 Number One, and I have no brief in not taking
18 up the research first, but this is their judgment.

19 MR. HOLMER: I am not arguing that.
20 I just wanted this question of stream standards
21 and effluent standards (inaudible to the reporter).

22 MR. OEMING: Yes.

23 MR. STEIN: I am not sure that we
24 have, sir. What I am suggesting is that we can
25 talk about these stream standards and effluent

EXECUTIVE SESSION

standards, as I have talked for the past quarter of a century, and we could sit at these meetings and talk, but we are always going to be faced with this. If we are going to get through with our business and get through with this, recognizing his point--and I don't disagree with what Larry says philosophically--what I am suggesting is procedurally we take this up when we meet them.

MR. MITCHELL: May I ask a question?

If a polluter was able to achieve either standard but not both, how would you enforce?

MR. STEIN: The difficulty, I think, Mr. Mitchell, is if we ever get into a situation where both weren't compatible and you could achieve one but not the other, it would have to be construed in favor of the polluter. I wouldn't doubt that. I would think both these approaches would have to be compatible.

MR. MITCHELL: Certainly that is what I thought Mr. Oeming was saying too. I thought you were suggesting that they ought

EXECUTIVE SESSION

1
2 to be compatible and that certainly the
3 State standards, which everyone had approved
4 and everyone had been working with, that any
5 effluent standards certainly ought to be
6 somewhere in compatibility with those statements
7 and--

8 MR. STEIN: I think we are in agree-
9 ment with that. The question here is--

10 MR. MITCHELL: Then I heard you say,
11 though, that we ought to advise industry of what
12 these standards are, and I thought when we
13 passed our State plans, had all the hearings,
14 we were setting the record pretty clear that
15 the State did want to clean up the pollution
16 and the inference was that our State plans
17 didn't give that impression to industry. I
18 don't think it is true.

19 MR. STEIN: If I gave that impression,
20 I didn't mean to. The notion is here, with
21 these requirements here, if these are not
22 compatible with your State plans, with your
23 State standards and your State implementation
24 plans, we should point this out. But I think
25

EXECUTIVE SESSION

1 industry is required to a degree of certainty,
2 and I think if we do not give them the same
3 story from the standards we approve and the en-
4 forcement conference, we are falling down on
5 our job. And I think the only way we can get
6 at this to see if these things coalesce is by
7 getting at the details.
8

9 I think the sooner we start, the
10 better we might be.

11 MR. OEMING: I am ready to start.

12 MR. STEIN: All right.
13

RECOMMENDATIONS #1 AND #2

14
15
16 "1. Advanced waste treatment be pro-
17 vided by municipalities serving a population of
18 5,000 or more or receiving for treatment wastes
19 in quantities exceeding 200 pounds per day of
20 BOD. Such treatment to achieve 90 percent five-
21 day BOD removal or an effluent containing a
22 maximum of 20 parts per million removal and an
23 effluent containing not more than 1 part per
24 million of elemental phosphorus. This action
25

EXECUTIVE SESSION

1
2 to be accomplished by December 1972."

3 MR. OEMING: I am ready.

4
5 MR. POOLE: Mr. Chairman, the first
6 one is where we come to considerable variance
7 with what my idea of the State standards and
8 the implementation plan have been.

9 First, and before I get into what I
10 consider a variance, I do not want to associate
11 advanced waste treatment with 90 percent removal
12 of BOD.

13 MR. STEIN: May I make a suggestion
14 on this? I always have problems with this. Can
15 we strike, for the sake of argument--and if you
16 want put it back--let's say "waste treatment be
17 provided," because this "Advanced" is a color
18 word and I don't know that it adds anything one
19 way or the other. I am just trying to get us
20 closer together.

21 Instead of talking about advanced waste
22 treatment, let's say "Waste treatment be provided
23 by the municipalities." I agree with you on
24 that. O. K.?

25 MR. POOLE: All right.

EXECUTIVE SESSION

1
2
3 The second part of it I think is more
4 important where there is a variance. We said
5 in our plan of implementation that we would
6 require secondary treatment, and if activated
7 sludge was used we would expect 90 percent BOD
8 removal; if trickling filters were used we would
9 expect 80 percent BOD removal, and that we would
10 decide which type was applicable depending upon
11 the given situation. We did not say anything
12 about 20 parts per million BOD.

13 We said phosphates would be removed
14 when feasible, or something to that extent.
15 A month ago we talked about 80 percent removal
16 of phosphates. Now this says 90 percent or, as
17 I read it, not more than one part per million
18 of elemental phosphorus.

19 So these recommendations are quite
20 different from what was in the Indiana plan
21 that has been approved, and I think perhaps
22 maybe this might have some bearing on the
23 question that Mr. Oeming raised.

24 MR. STEIN: Maybe I should have read
25 this first. I think you have got several points

EXECUTIVE SESSION

1
2 and it seems to me I have heard some of this
3 before somewhere.

4 Let's take the first one up, this
5 trickling filter, 80 or 90 percent. What is
6 your view on that?

7 What is wrong with Poole putting
8 in trickling filters when he needs it, and if
9 he is going to put in trickling filters, why
10 have we got this 90 percent?

11 MR. POSTON: Well, I think our people
12 feel that we need to get maximum treatment now.

13 MR. STEIN: No, no, no. Now, here,
14 you know the issue as well as I do. You get
15 a lot of trickling filters around and you have
16 arguments that dealing with a small city if
17 you are going to get a 90 percent removal, to
18 some people in the audience, you almost are
19 going to have to go to an activated sludge
20 operation or something of that kind. They realize
21 when one of those plants go sour, you will have
22 a lot of trouble, and a lot of smaller communi-
23 ties can run a trickling filter, they can run
24 between 80 and 85 percent and get a lot less
25

EXECUTIVE SESSION

1
2 trouble. What is the issue if the States want
3 to get the implementation plans and the water
4 quality set to where in their judgment a city
5 that has a trickling filter plant or they think
6 it might be better if they operate a trickling
7 filter plant, that it might be the best operation?
8

9 An activated sludge plant, I might
10 point out, just doesn't operate on an automatic
11 pilot, and if the town is committed, as many
12 towns are, to having the fire chief do this in
13 his spare time or the mayor's brother-in-law
14 run the plant, maybe some of the States feel
15 he might do better with a trickling filter
16 doing 85 percent.

17 This is the issue. I think we have
18 all heard these arguments before. The notion
19 is why are we asking for a routine 90 percent?
20

21 MR. POSTON: In general, 90 percent
22 is attainable in an activated sludge plant--

23 MR. STEIN: That's right.

24 MR. POSTON: --and most towns with a
25 population of 5,000 might go to that. Whereas

EXECUTIVE SESSION

1
2 we have recognized in the second recommendation
3 that for towns under 5,000 population we would
4 permit an 80 percent removal of five-day BOD--

5 MR. STEIN: Do you mean to say that
6 in Indiana that you are not--and I just want
7 to understand the recommendation--that you are
8 not going to permit a trickling filter plant
9 in a town of over 5,000, 6,000, 7,000?

10 MR. POOLE: Well, I think we might
11 not on the Lake Michigan watershed, but I
12 wouldn't say that for the State as a whole.
13 That is, if they come in with a trickling
14 filter plant.

15 Where there is a critical water
16 situation, you say no, go to the activated
17 sludge because it would give you a higher
18 percentage of removal.

19 I am not quibbling so much about
20 the 90 percent for the towns above 5,000 that
21 he has here as I am about the remainder of it, and
22 I want to point out that the remainder of it
23 was not in the Indiana standards and plans.
24 I don't know whether it is in those for the
25

EXECUTIVE SESSION

1. other three States or not. You have come down
2. to a 20 parts per million BOD and if you happen
3. to have a 400 in the raw, you go to 90 percent
4. removal right away instead of 80. And if I
5. followed, and God knows I don't profess to be
6. an expert on phosphate removal, but the thrust
7. of the testimony that I got a month ago was
8. that there are now ways to remove, on an average,
9. 80 percent of the phosphates.
10.

11. There was also in the Michigan
12. testimony, as I recall it, their results on
13. two plants that were dealing with raw phosphates
14. in the neighborhood of 50, 60 parts per million,
15. and as soon as you impose that one part per million
16. elemental phosphorus on these plants, if I
17. followed Purdy right, you have got something
18. considerably above 90 percent removal, and I
19. had only heard the 90 percent removal after I
20. got this last Monday.
21.

22. MR. STEIN: What would you suggest?

23. And again to try to move this forward, Mr.
24. Poole, would you suggest other numbers for
25. the 20, 90 and 1? Would that help it?

EXECUTIVE SESSION

1
2 MR. POOLE: I would like to know what
3 some of the other people think.

4 MR. STEIN: Mr. Oeming?

5 MR. OEMING: Mr. Chairman, my question
6 is what is the significance of BOD removal on a
7 town of 5,000 up on the head waters of a tribu-
8 tary stream in Indiana, Michigan, or Wisconsin
9 in relation to the water quality standards that
10 have been accepted and approved in Lake Michigan?

11 MR. POSTON: Are you looking at me?

12 MR. STEIN: Yes, or anyone you want
13 to call on.

14 MR. POSTON: I think, first off, that
15 when we made these changes I think this was done
16 because the Conferees wanted more specificity
17 and this was the reason we got into putting some
18 more qualifications.

19 It was my understanding relative to
20 phosphorus removal that it can be done effectively.
21 And I think I might agree with you, Mr. Oeming,
22 that insofar as interstate or pollution from a
23 community 100 miles upstream or maybe even
24 considerably less than that might not affect
25

EXECUTIVE SESSION

1
2 the lake insofar as bacteria are concerned
3 or BOD, but I think we generally had the
4 conclusion that the people in the States
5 wanted to have a quality water as well as
6 those people that live around the lake.

7 MR. OEMING: Well, that may be.

8 But we are still dealing with an interstate
9 water quality problem here and not aimed
10 within the State, and if I sense these States
11 around here, they are all adopting water
12 quality standards for intrastate waters.

13 I question now, in view of what you
14 say, why this should be in here, this BOD
15 removal, at all municipalities. If we are
16 aiming our guns here at Lake Michigan, which
17 I think we are, then we ought to stay there.

18 And secondly, Mr. Poston--

19 MR. POSTON: I think it is going to
20 be necessary to have an adequate waste treatment
21 plant to remove the nutrient problem, phosphates
22 specifically, back upstream, whereas it might
23 not be necessary to handle the bacterial prob-
24 lem upstream because of its remoteness from the
25

EXECUTIVE SESSION

lake.

MR. OEMING: Look, I am not arguing about the phosphate removal. We have got to remove phosphates. I am going to argue about 90 percent in a minute.

But Michigan has accepted the premise that phosphates have got to be removed whether it is 100 miles upstream or at the lakeshore. So let's get away from that argument.

What I am arguing, first of all, is what relationship does a 500-pound load in the upper tributaries, a BOD load, now, in the upper tributaries, have to the water quality in Lake Michigan?

MR. POSTON: Well, I think, of course, some of it depends upon the proximity to the lake.

MR. OEMING: Yes, yes, yes.

MR. POSTON: If you get up there far enough, it is all satisfied by the time you get to the lake.

MR. OEMING: Yet you want a uniform requirement here all over the tributaries

EXECUTIVE SESSION

predicated on what, on Lake Michigan quality?

This is my question.

MR. STEIN: Let me ask you, Mr. Oeming, do you have a suggestion on modifying or amending this?

MR. OEMING: Yes.

MR. STEIN: Go ahead. Let's try that.

MR. OEMING: My suggestion is that treatment be provided sufficient to achieve not less than 80 percent removal of phosphorus, total phosphorus.

MR. STEIN: That's 80 of phosphorus, all right.

MR. OEMING: Total phosphorus. Now, we ought to know what we're talking about.

MR. STEIN: All right.

MR. OEMING: We're talking about total phosphorus.

MR. STEIN: All right.

MR. POSTON: Phosphorus.

MR. PURDY: What is the difference, total phosphorus--

MR. STEIN: All right. First, let's

EXECUTIVE SESSION

1
2 go down.

3 "Waste treatment be provided by
4 municipalities serving a population of 5,000
5 or more in quantities exceeding 800 pounds
6 of BOD."

7 Do you have any objection to that
8 first sentence?

9 MR. OEMING: Yes.

10 MR. STEIN: What is your objection?

11 MR. OEMING: Well, I just had the
12 answer from Mr. Poston that if the BOD is
13 satisfied before it gets to the lake it has
14 no influence on it, it becomes an intrastate
15 problem.

16 Well, if he didn't say it, then he
17 ought to correct it.

18 MR. STEIN: What would you suggest
19 we use for the first sentence?

20 MR. OEMING: Strike it out.

21 MR. PURDY: I don't think you can set
22 uniform ones.

23 MR. OEMING: I don't think you can set
24 a uniform BOD requirement as it relates to the
25

EXECUTIVE SESSION

1
2 water quality in Lake Michigan or in the
3 receiving stream.

4 MR. STEIN: Yes. But what I am
5 trying to get is a draft that we can work
6 with. Let's try this.

7 MR. OEMING: Well, "Waste treatment
8 be provided"--

9 MR. STEIN: --"be provided by
10 municipalities serving a population of 5,000
11 or more."

12 Right? Let's go on.

13 "To achieve 90 percent five-day BOD
14 removal"?

15 MR. OEMING: No.

16 MR. STEIN: No? To achieve what?

17 MR. OEMING: To achieve 80 percent
18 removal--

19 MR. STEIN: --of phosphorus?

20 MR. OEMING: --of total phosphorus.

21 MR. STEIN: That is all?

22 MR. OEMING: Well, you can put a
23 minimum in there. I would say this should be
24 a minimum of 80 percent.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: A minimum of 80 percent
4 phosphorus removal?

5 MR. OEMING: Removal.

6 MR. STEIN: And no requirement that
7 they--and an effluent which will not affect
8 the water quality standards of Lake Michigan--

9 MR. OEMING: O. K.

10 MR. STEIN: --as approved by the State
11 of Michigan and the Secretary of the Interior?

12 MR. OEMING: All right.

13 MR. STEIN: No, I am just trying to
14 get a proposal.

15 MR. OEMING: That's implied.

16 MR. STEIN: Yes. All right, let's go
17 on with the next. Eighty percent of total
18 phosphorus.

19 Let me see if I can put Mr. Oeming's
20 proposition in words so we have something to
21 work with. O. K.? In other words, you wouldn't
22 draw a distinction between 5,000 or under 5,000?

23 MR. POOLE: Oh, yes, I would want to,
24 on the time limit only.

25 MR. STEIN: Oh. But let's do that

EXECUTIVE SESSION

later.

"Waste treatment be provided by all municipalities to achieve at least an 80 percent reduction of total phosphorus removal and an effluent which will not degrade the water quality standards for Lake Michigan as approved by the appropriate State and the Secretary of the Interior."

Is this--

MR. OEMING: This is what I am saying.

MR. STEIN: O. K. What I wanted to--
yes.

Go on, Mr. Holmer.

MR. HOLMER: Eighty percent of what?

MR. STEIN: Total phosphorus.

MR. HOLMER: Well, but the total from
where?

MR. OEMING: From the raw sewage.

MR. STEIN: From raw sewage.

MR. HOLMER: Of current loadings or
future loadings? What if we develop means of
excluding these from sewage?

MR. OEMING: Well, we say at least,

EXECUTIVE SESSION

1
2
3 Mr. Holmer.

4 MR. POSTON: You still ought to treat--

5 MR. HOLMER: At least 80 percent?

6 MR. OEMING: Yes.

7 MR. HOLMER: My point is, though, it
8 may be possible to find other means of excluding
9 phosphorus from the loadings, in which case I
10 am not sure that 80 percent removal would be
11 necessary. If we get down to 20 percent of
12 what we have now, would we require another 80
13 percent?

14 MR. OEMING: I got over that hump,
15 Freeman, when we convinced ourselves that we
16 could remove 80 percent of the phosphorus from
17 the raw sewage and we should do it.

18 MR. HOLMER: All I am saying is that
19 if there is an easier and a better way than me-
20 chanical suppuration method--

21 MR. OEMING: Oh, I see.

22 MR. HOLMER: --it may be that we
23 would want to go that route rather than to get
24 at it--

25 MR. STEIN: Yes. I am trying to put

EXECUTIVE SESSION

Mr. Oeming's proposition in words.

Now, as I always understood this problem, and maybe I don't, but the notion was that the best way to deal with phosphorus is to keep all--it is like radiation. The more you can keep out, the better you are. O. K.

Now, the point is, as much as you can keep out at the source and not let get into the system, you are ahead. But if we have a feasible means of removing 80 percent of the phosphorus of anything that goes in, isn't the objective to get as close to zero as possible?

MR. HOLMER: I would say so.

MR. OEMING: Yes.

MR. HOLMER: And I would say this is our objective.

MR. STEIN: Now, if that is true, what is wrong with his proposal? Let's suppose he keeps them out at the source and you still remove 80 percent, you are getting more phosphorus out and we are getting closer to zero.

Remember in his proposal you are not specifying primary, secondary, 90 percent, 80

EXECUTIVE SESSION

percent, aerated sludge, trickling filter.
What we are saying is waste treatment be
provided by municipalities to achieve a
minimum of 80 percent total phosphorus
removal and an effluent which will not cause
deterioration of Lake Michigan water quality
standards as approved by the appropriate
States and by the Secretary of the Interior.

So as I understand it, this is-- Isn't
that a good way to start?

MR. HOLMER: What I am looking for
is a recommendation that will stand the test
of time and the change of circumstances. I
am not sure that 80 percent will be enough.

MR. STEIN: At least, we said.

MR. POSTON: I am not either.

MR. HOLMER: What?

MR. POSTON: I am not either. That
is why--

MR. STEIN: No, the proposition says
at least 80 percent.

MR. HOLMER: And this is why I would
suggest language such as to require programs, in

EXECUTIVE SESSION

1
2 exclusion of treatment, to reduce current dis-
3 charges of phosphorus so that we start with
4 the current base and use the 80 percent on that
5 to a level which will reduce the phosphorus
6 content of shoreline water so as to preclude
7 the growth of algae in nuisance quantities.
8 This is our objective; this is what we are
9 trying to get at.

10 If you put 80 percent, you are in
11 the same problem with this that we really are
12 with BOD; we are defining an effluent standard
13 and not defining the goal we are shooting at.
14 We want to reverse the eutrophication. If 80
15 percent doesn't work, then we ought to go to
16 90 percent and whatever else is needed.

17 MR. STEIN: Well, here, let's get to
18 Mr. Ceming. The point is, when we talk of the
19 amount of phosphorus to preclude the growth of
20 algae, in some cases it might be 20, it might be
21 30, it might be 10. Well, I don't know. This
22 is a question the Conferees--

23 MR. HOLMER: I don't know--

24 MR. STEIN: The point is that if we
25

EXECUTIVE SESSION

1
2 agree that no phosphorus is delightful, why
3 do you want to let this stuff go in?
4

5 MR. HOLMER: I don't want to let it go
6 in. But I don't believe in taking phosphorus
7 out for the sake of taking phosphorus out. Our
8 purpose is to stop eutrophication of the lake and
9 this nuisance that we are complaining about.

10 MR. STEIN: Let me put this back
11 to you. Of course, this is a point that the
12 Federal Government and the State Governments
13 can engage on. Again, Freeman, if we come up
14 with the proposition that you can remove phos-
15 phorus enough, without a number, sufficient
16 to remove the algae, and the algae are not
17 removed and we then have to move against
18 your specific cities or industries, who
19 will ask, "Why the devil didn't you tell
20 us at the conference what we had to do?"
21 are you going to say that we just left it
22 up to them? Don't you think they are
23 entitled to know within a ball park figure
24 of the minimum they have to do before they
25 are faced with our coming in and getting

EXECUTIVE SESSION

1
2 them in a court action? We are in a Federal
3 enforcement case here.
4

5 And do you realize what you are
6 asking us to do? You are asking us to turn
7 these cities loose through the conference
8 stage of this operation to say that they are
9 going to just reduce phosphorus, enough not
10 to produce algae, and then if that doesn't
11 work we are going to come in on them, when
12 they didn't have any specifics on what they
13 had to do? I don't know.

14 MR. HOLMER: But you are ignoring
15 our responsibilities as States to issue the
16 orders to these communities.

17 MR. STEIN: Not at all.

18 MR. HOLMER: And to enforce the
19 interstate water quality standards. It seems
20 to me that we can all agree here informally that
21 80 percent is what we ought to do first and I
22 am sure we will all do at least 80 percent.

23 MR. STEIN: Well, if we are going
24 to do 80 percent, maybe we had better put it
25 down.

EXECUTIVE SESSION

1
2
3 MR. HOLMER: Well, but this may not
4 do the job.

5 MR. STEIN: We said at least 80
6 percent.

7 MR. POOLE: (Inaudible to reporter)
8 tacked on this phrase I had worded about
9 meeting the water quality standards that I
10 thought was intended to cover this if 80 percent
11 wasn't enough.

12 MR. STEIN: That is right.

13 MR. HOLMER: All right. Then let
14 us look at one other problem, and that is the
15 far upstream tributaries. We are going to
16 require it anyway, but I am not sure it is an
17 appropriate action for this conference to say
18 that any effluent standards, including this
19 phosphorus one, ought to be imposed as a number.
20 I think this is a mistake for us to make at
21 this point in this respect as in the other.

22 MR. OEMING: Well, it seemed to me,
23 Mr. Chairman, that out of this conference one
24 significant piece of information came out, at
25 least one, and that was the first time that

EXECUTIVE SESSION

1
2 there was sound evidence that we could remove
3 80 percent, not 90 but 80 percent. Dr. Wein-
4 berger testified, the State of Michigan testi-
5 fied as to this, and I felt that there was
6 pretty general agreement now that methods were
7 available. And such being the case, within
8 the context of at least the Michigan standards,
9 we can say that we want 80 percent removal.
10 Even though we didn't say so, we said we wanted
11 to remove phosphorus, but I think we can now
12 say 80 percent and make it stick. And I
13 wouldn't like to see it left open unless the
14 Conferees feel differently. It seems to me
15 that our obligation is to specify now what we
16 mean by removing phosphorus.

17 And I look at another thing that came
18 out of the conference and that was to the effect
19 that we want to get all the phosphorus we can
20 out, whether it is 80 percent or something else;
21 but we are tempering here with what we know,
22 that if we can get 80 percent and if that isn't
23 going to be enough we will have to go back and
24 ask for more. I don't see how we can deal with
25

EXECUTIVE SESSION

1
2 this any other way to take care of the problem
3 in Lake Michigan.

4 MR. STEIN: Yes. Well, I would
5 agree.

6 You know, for years, Mr. Holmer,
7 we have been dealing with, say, Mr. Oeming,
8 Mr. Poole and Mr. Klassen on this. Whenever
9 we have come up with Mr. Oeming on a require-
10 ment, the first thing that Larry has said to
11 me is give me a number, what do we have to do.
12 And I think the States and the cities and the
13 industries, if we are going to ask someone to
14 spend something, do something, are entitled
15 to this kind of operation and a number to do it.

16 The difficulty that I have is asking
17 big industry to spend maybe tens of millions
18 of dollars or a city to spend hundreds of
19 millions or even a small one when they are
20 putting this restriction on them and then
21 saying, "You know, you haven't really done
22 the job. This is not enough."

23 While we are here, I think we have to
24 resolve this, resolve this with the States.
25

EXECUTIVE SESSION

1
2 because we have been pushed for years by
3 Michigan, and I hope Larry won't mind me
4 using him, to give them specific numbers
5 on what the Federal Government means and
6 what we are going to be satisfied with. I
7 have been persuaded that is what you need.

8 MR. HOLMER: Mr. Stein, the Water
9 Quality Act of 1965 says that the Secretary
10 of the Interior should make recommendations
11 to the water pollution control agencies. This
12 is a recommendation to the water pollution
13 control agencies, I realize, in essence,
14 although it applies directly to the industries.

15 MR. STEIN: No, here is what happens.
16 Let me explain this law.

17 He makes recommendations to the
18 agencies first. If the agencies don't do
19 it under their law, we proceed against the
20 polluters directly.

21 Now, the Secretary can make this
22 recommendation unilaterally or he can make
23 a recommendation in consonance with the
24 States. Every time we have had unanimous
25

EXECUTIVE SESSION

1
2 agreement by the States, the Secretary, whom-
3 ever we have had as Secretary through the
4 years, has adopted those recommendations.
5 Where the States aren't unanimous about this,
6 he just under the law is obligated to come up
7 and make his own recommendation.

8 But the point is, Mr. Holmer, and
9 let me make this clear, we recognize, and I
10 know you are acutely aware, the State is not
11 the polluter. You are representing your State
12 here. If the recommendation comes up that is
13 not being met at the next stage, we don't
14 proceed against the State, we proceed against
15 that city and we proceed against the industry.

16 It is my notion that we should be
17 clear and precise with that city and industry
18 that is going to have to spend the money as to
19 what we expect them to do at as early as possible a
20 stage; and as Mr. Oeming has constantly pointed
21 out to me, this means numbers; and if we don't
22 give them numbers they may come a cropper.

23 MR. HOLMER: This is a legitimate
24 course for the Department of the Interior to
25

EXECUTIVE SESSION

1
2 take if and when the situation is reached
3 where the water quality standards governing
4 Lake Michigan are not achieved. Now, the
5 responsibility for achieving those water
6 quality standards rests with the agencies of
7 the States around this table.

8 MR. STEIN: Mr. Holmer, again, don't
9 try that whipsaw. I have been around for a
10 long time. There are two provisions in this
11 law, enforcement and standards. Every time we
12 talk about the enforcement procedure you
13 switch to the standards. Don't tell us we
14 are going to abrogate or get out of the en-
15 forcement business just because the Congress
16 adopted the standards. The Governor of
17 Illinois asked us to come in under an enforce-
18 ment action; we are proceeding under an enforce-
19 ment action. If you think you are going to
20 quote another section of the law or another
21 program to cut out the Governor of Illinois'
22 request and the Secretary's response to it, I
23 think we just can't respond to that kind of
24 operation.
25

EXECUTIVE SESSION

1
2
3 MR. HOLMER: We share the aspirations
4 of the Governor of Illinois for a clean Lake
5 Michigan in full measure. We think that the
6 standards for Lake Michigan that were approved
7 by the Secretary are good ones and ought to be
8 achieved. And I think that the recommendations
9 ought to insist that they be achieved.

10 Now, if we fail as States, I have no
11 brief for the States against the Secretary's
12 moving in against the individual polluters
13 in the States under the enforcement procedure.
14 I think this is entirely appropriate and de-
15 sirable.

16 MR. STEIN: This isn't the question.
17 Again you backed away. The point is we are
18 in an enforcement action. The Governor of
19 Illinois has invoked the enforcement action.
20 Here we are. We are coming up to you and the
21 States.

22 The Secretary has to make recommenda-
23 tions to you and your industries and your
24 cities. We hope that you will join with us
25 unanimously in getting meaningful recommendations,

EXECUTIVE SESSION

1
2 because if we don't do this, I don't know that
3 we are doing all the States and the cities and
4 industries here a service.

5 I don't know. Now, where do we go
6 in this first operation? Mr. Oeming has a
7 proposal. Are you in favor of what he said
8 or don't you like that at least 80 percent?

9 MR. HOLMER: If the other States go
10 on the 80 percent phosphorus removal with the
11 understanding we may go higher, this is all
12 right with me.

13 MR. STEIN: Yes, I think that "at
14 least" means higher.

15 MR. OEMING: That is what I meant
16 to say; you go higher when you get the technology.

17 MR. HOLMER: I think we ought to
18 be stronger than that.

19 MR. STEIN: Well, how?

20 You know, I left the table to consult
21 with Dr. Weinberger. I like to be as strong as
22 I can, and he is the best technical guy I know.
23 I think I stretched the strength to the breaking
24 point with the 80. If we could do better, you
25

EXECUTIVE SESSION

1
2 know I would be delighted to hear it.

3 MR. KLASSEN: Are you downgrading
4 Poole and me when you said he is the best
5 technical man you know?

6 MR. STEIN: No, that is a different
7 kind of a technician.

8 (Laughter.)

9 You know, he is younger than we are.
10 When we grew up, I never even heard of phosphates,
11 hardly, except in a fertilizer.

12 Well, if we are agreed with that--now,
13 how do you feel about this?

14 MR. POSTON: I think that this leaves
15 out some of the larger communities around the
16 lake that are located right on the shore insofar
17 as biological treatment is concerned.

18 MR. STEIN: What would you suggest?

19 MR. POSTON: Well, I think what I
20 really like is Number #1 as stated, and if you
21 insist on the 80 percent phosphate removal,
22 and if the others do, I would go with the
23 insertion of 80 percent.

24 MR. STEIN: What do you want, you
25

EXECUTIVE SESSION

1
2 want that 90 percent also?

3 MR. POSTON: For treatment plants
4 located along the lake, I think they have got
5 to remove--

6 MR. STEIN: What do you think of that?

7 MR. OEMING: We have covered that,
8 Mr. Chairman, in the last phrase in the statement,
9 the joint Stein-Oeming statement here--

10 MR. STEIN: Thanks.

11 (Laughter.)

12 MR. OEMING: --when we said to meet
13 the water quality standards.

14 MR. PURDY: We said secondary treatment
15 in our standards.

16 MR. OEMING: We said secondary treat-
17 ment in our standards, Mr. Poston. What more
18 do you want? How many times do we want to go
19 through this to further identify it?

20 MR. POSTON: As Mr. Stein indicated,
21 this is a separate action different than the
22 standards.

23 MR. STEIN: No.

24 MR. OEMING: Oh, I am afraid that I have
25

EXECUTIVE SESSION

1
2 to have some problems with this, because you
3 may be asking the States to go back and start
4 hearings all over again.

5 MR. POSTON: There hasn't been any
6 reference to your standards in this so far.

7 MR. OEMING: Oh, yes, there has.

8 MR. STEIN: There were. I said to
9 meet the water quality standards approved by
10 the States and the Secretary of the Interior.
11 As far as I understand that, the standards
12 include the implementation plan.

13 MR. OEMING: It is incorporated by
14 reference here.

15 MR. STEIN: Is there any disagreement
16 on this?

17 MR. POSTON: O. K. I didn't get that.

18 MR. OEMING: Yes, it is interpolated,
19 Wally.

20 Mr. Chairman, before you proceed with
21 this, we didn't cover two other items.

22 MR. STEIN: Yes.

23 MR. OEMING: One of them is, we
24 skipped over this differentiation of populations.
25

EXECUTIVE SESSION

1
2 And I am a little bit fuzzy on this. I don't
3 have a very firm recommendation for you. But
4 this is a question that ought to be resolved
5 with respect to primarily, now, lagoons, sewage
6 lagoons. And Michigan has struggled with this
7 problem: under 5,000, what do you do about
8 sewage lagoons?

9 Now, the second question is the termi-
10 nation date here. Now, some of the States may
11 not have difficulty, but let me remind you that
12 Michigan sits on four of the Great Lakes and
13 we already are fighting the battles on the east
14 side of the State; we are starting them on the
15 west side of the State. Logistics work against
16 a uniform date here. When I say logistics, I
17 mean the whole gamut of engineers, financing,
18 construction, and to try to make 50--isn't it 50?
19 --50 communities meet one December date with
20 the procedural problems involved poses some
21 real difficulties.

22 MR. STEIN: O. K. Let's see if we
23 can handle these one at a time.

24 Are you worried about lagoons, not
25

EXECUTIVE SESSION

1
2 in the degree of treatment but in the phosphate
3 removal?

4 MR. OEMING: Yes. And here is--let
5 me cite this--

6 MR. STEIN: What happened to Leon?
7 Where is that professor?

8 Come here. He keeps leaving.

9 MR. POOLE: I want to make a suggestion
10 before he leaves today.

11 MR. OEMING: Let me state how we tried
12 to handle this first and if this strikes any
13 sparks here.

14 We have notified all the communities
15 in Michigan, not only in the Lake Michigan
16 basin but all communities, as follows:

17 "That persons making a new or
18 increased use of the waters of the State for
19 waste disposal purposes will be required, co-
20 incident with the new or increased use, to
21 utilize such technology and processes which
22 are known for the removal of phosphorus com-
23 pounds, and that as a long-term objective
24 all existing waste discharges will be required
25

EXECUTIVE SESSION

1
2 to provide facilities for the removal of
3 phosphorus compounds by June 1, 1977."

4 That is in the standards also. And
5 we call attention to the fact that 1977 is an
6 outside date.

7 Now, this conforms with the guidelines
8 issued by the Secretary and are in the approved
9 standards, this outside date of June 1, 1977.
10 It doesn't mean that we are going to wait that
11 long.

12 Now, then, with reference to these
13 smaller communities where lagoon systems appear
14 to be a real answer to many of our problems,
15 the policy is this, that:

16 "Generally these requirements may be
17 reasonably met by waste stabilization lagoons
18 in small communities and others where lagoons
19 will provide equal or greater assurance of
20 meeting established water quality objectives for
21 the receiving waters other than nutrients and
22 may be provided by other types of treatment
23 facilities for such conditions. Waste stabili-
24 zation lagoon process does not provide a high
25

EXECUTIVE SESSION

1
2
3 degree of removal of phosphates. Therefore,
4 such installations may not be adequate fo.
5 discharge of the effluent at certain locations
6 such as inland lakes and impoundments. When
7 practical methods are developed for efficient
8 removal of phosphates in the lagoon process,
9 by modification of design features or by
10 process control methods, owners of any such
11 facilities will be required to incorporate
12 and utilize such features and methods."

13 Now, we have got these sheep and
14 goats here. I am trying to resolve this.

15 MR. STEIN: Do you want to comment
16 on this?

17 DR. WEINBERGER: Well, Larry, let
18 me ask the question about the modification of
19 lagoons. Would this include perhaps the
20 addition of a chemical treatment phase beyond
21 it?

22 MR. OEMING: Yes, it could.

23 DR. WEINBERGER: All right.

24 MR. OEMING: It could, yes.

25 DR. WEINBERGER: I think the statement

EXECUTIVE SESSION

Larry has made is--

MR. STEIN: Let me ask--we are having this problem, and this may relate to all, Leon, with these lagoons and small installations--do we have a reasonable method of phosphate removal to offer them now? I am not talking about a conventional treatment plant. I am talking about a man running a lagoon.

DR. WEINBERGER: Murray, I think there are two questions, really. I think one, recognizing the kind of installation where you approve a lagoon in the first place, suggests that the type of phosphate removal that we might be recommending, such as chemical precipitation, might not be the way to go right now. So that I would say that although there is a technique available, it may not be applicable for a lagoon where they don't have the kind of operation needed for a chemical treatment.

Do I make that clear?

MR. OEMING: You got it clear to me.

DR. WEINBERGER: O. K.

MR. OEMING: Mr. Purdy wants to ask

EXECUTIVE SESSION

1
2 something here.

3 MR. PURDY: In Michigan our lagoons
4 are operated as storage lagoons so that they
5 are not flow-through lagoons, and they are
6 discharged in the spring and fall, and there
7 are certain locations that this type of 100
8 percent control during the warm dry weather
9 months offers more protection to other water
10 quality objectives than what a conventional
11 treatment plant would offer. So from this
12 standpoint, there are certain places we would
13 like to be able to continue to approve the
14 lagoon as an acceptable treatment device.

15 DR. WEINBERGER: Yes. Again I am
16 not--I don't think that is the question, really,
17 because I think you are talking there probably
18 in terms of organic loading--

19 MR. PURDY: Yes.

20 DR. WEINBERGER: --for doing this and
21 a lack of dilution.

22 MR. PURDY: Yes.

23 DR. WEINBERGER: I think what one is
24 talking about here now is specifically with
25

EXECUTIVE SESSION

1
2 regard to the phosphate removal.

3 MR. OEMING: Yes.

4 DR. WEINBERGER: What I am suggesting
5 is that for those situations where a lagoon is
6 normally employed, you do not have the kind of
7 operation, operating personnel--

8 MR. OEMING: You are never going to have.

9 DR. WEINBERGER: --that with the kind of
10 chemical treatment that we could use we can
11 immediately say, you can put that in tomorrow
12 and it will be operating. We cannot make that
13 statement, Murray, because I think what is going
14 to be involved there, if you make that recom-
15 mendation, these communities are going to have
16 to get themselves a better operator and a whole
17 series of operating things.

18 I want to make the distinction between
19 a technique for doing it.

20 MR. OEMING: So what we are saying
21 here, what we are looking at, is some exclusions
22 now because of the lagoon problem. This is what
23 I am concerned with and the phosphate requirement.

24 DR. WEINBERGER: I don't know whether
25

EXECUTIVE SESSION

1
2 this is appropriate, Murray, for me to make
3 this comment.

4 MR. STEIN: No, it's all right.

5 DR. WEINBERGER: We, of course,
6 will move immediately into this matter exploring
7 how one for those particular installations can
8 come up with a scheme for--

9 MR. OEMING: Good.

10 DR. WEINBERGER: --removing the
11 phosphates.

12 MR. OEMING: All right.

13 MR. STEIN: I think his statement is
14 correct. Let me see if I can put this in
15 blunter terms.

16 As I see it, the lagoons deal with
17 small communities. The amount of phosphates
18 you are going to get out of them with their
19 flow, particularly a holding operation, are
20 relatively small.

21 MR. OEMING: Yes.

22 MR. STEIN: O. K. Now, really,
23 while theoretically we may have a chemical
24 precipitation of removing these phosphates from
25

EXECUTIVE SESSION

1
2 these lagoons, we have to recognize the
3 practicalities of the matter; this is a
4 relatively sophisticated system and lagoons
5 are employed by small communities and the
6 likelihood of this system being operated
7 efficiently there is not too good. Therefore,
8 in the total program, the kind of statement that
9 Larry had that when the technique comes up we
10 pick the lagoons up, that this does not--in other
11 words, when we are talking about phosphate
12 removal, we are really talking about phosphate
13 removal from a conventional treatment plant. Is
14 that correct?

15 All right.

16 MR. POOLE: Say for the small communi-
17 ties you set a final date beyond 1972. I would
18 assume that by the time we reached that date we
19 would be able to handle the lagoons. Is that a
20 fair assumption?

21 DR. WEINBERGER: Yes, sir.

22 MR. OEMING: O. K.

23 MR. STEIN: Yes.

24 MR. OEMING: This falls within my
25

EXECUTIVE SESSION

question.

MR. STEIN: O. K. I think we are pretty close to an agreement here.

Now, your second point, Larry, is on that "all people finishing in December 1972?" How soon do you think it would take you, and we have done this in perhaps some other industrial States where you had this problem, to come up with a schedule of date for date and community by community?

MR. OEMING: Well, Mr. Chairman, I look at it generally in this way, that our program is aimed at the larger communities right now. Let's say Traverse City has got a problem. And this one has now got a date of '71, hasn't it? Seventy-one. Some of them are going to be advanced.

But as we go along, we are going to schedule these, we have got to schedule them, and I can't tell you at this time which ones will come first and which ones come last here, you see. I can do it in a short time, but I am not prepared here.

EXECUTIVE SESSION

1
2
3 The only thing I can say is that 1972
4 as a fixed date for 50 communities to meet this
5 represents some practical problems.

6 MR. STEIN: I recognize that now.
7 May I just raise two questions to you?

8 One, what do you think a practical
9 terminal date would be? And I am not asking
10 for this now. We are coming back. You may
11 want to think about it. What a practical
12 terminal date would be?

13 And secondly, how long it would take
14 you to come up with a schedule for all your
15 communities, none of them to be beyond what
16 you consider a practical terminal date?

17 MR. OEMING: Could we do this, Mr.
18 Chairman? Could we come back here to this
19 conference with a series of dates for these,
20 and it looks like this might be extended,
21 might go--the last one might be '73 or possibly
22 '74, I don't know, but starting immediately
23 some of them will be in advance of this and
24 some of them will go beyond this, but a
25 scheduling of the 50 communities we are talking

EXECUTIVE SESSION

1
2 about here.

3 MR. STEIN: Yes.

4 MR. OEMING: This is the kind of
5 thing that--

6 MR. STEIN: Yes.

7 MR. OEMING: And taking into con-
8 sideration, Mr. Chairman, the procedural
9 problems. We have to issue notices--

10 MR. STEIN: I recognize--

11 MR. OEMING: --we have to hold
12 hearings, we have to do all these things.

13 MR. STEIN: No one is suggesting
14 here that any of the States do not just proceed
15 under the normal procedures. I think we should
16 have an idea of how long this is going to take
17 you.

18 MR. OEMING: Yes, we could do this.

19 MR. STEIN: And a reasonable date.

20 Let me ask the Federal people something.
21 Are you satisfied that the implementation plans
22 of all the four States here reasonably meet the
23 secondary treatment requirement?

24 MR. POSTON: You mean--
25

EXECUTIVE SESSION

1
2 MR. STEIN: That you put in.

3 MR. POSTON: --the implementation
4 of the standards?

5 MR. STEIN: The implementation plan,
6 yes.

7 MR. POSTON: That they put in?

8 MR. STEIN: Yes.

9 MR. POSTON: I think so.

10 MR. STEIN: O. K., then we are set.

11 MR. POSTON: Which is 1972.

12 MR. STEIN: Yes, we said that.

13 MR. POSTON: This is where we got this
14 date.

15 MR. STEIN: No, no, I am not talking
16 about the date now. Let's take one thing at
17 a time. I am talking about the treatment.

18 You see, what we did, we incorporated
19 by reference the standards as approved by the
20 State meeting the standards as approved by us.
21 Now you are convinced that this is going to
22 substantially meet what you are asking in
23 proposals 1 and 2?

24 MR. POSTON: You mean you are asking
25

EXECUTIVE SESSION

1
2 me whether--

3 MR. STEIN: When you said--

4 MR. POSTON: --secondary will be the
5 90 percent?

6 MR. STEIN: Yes.

7 MR. POSTON: Equivalent to 90
8 percent?

9 MR. STEIN: Yes, whether they will
10 have to do that substantially. And I am not
11 saying in every case. To meet those water
12 quality standards in Lake Michigan.

13 MR. POSTON: I think that is right.

14 MR. STEIN: Right. Then we are about
15 in agreement, aren't we?

16 MR. POSTON: Pretty close.

17 MR. STEIN: All right.

18 MR. POSTON: I would like to suggest,
19 Mr. Chairman, that at the completion of these
20 we ask the secretary to take dictation or have
21 our reporter give dictation to a secretary and
22 that she bring this back to us at an early time.

23 MR. STEIN: Oh, yes, you are going to
24 get this to go over again.
25

EXECUTIVE SESSION

MR. POSTON: Tonight or will this be tomorrow?

MR. STEIN: I don't know. I am going to have to talk to--I have known Virginia a long time and she is about the hardest worker I know, but she is human. She has got the hardest job here. I am not pushing her to the wall. You can be assured you are going to get this typed as rapidly as it is humanly possible. But I am not going to do anything and make a commitment on when she is going to get this typed stuff out to you, tonight or tomorrow, until I talk to her privately.

Do you have any more on the first two?

Let me leave this with the date. Let me suggest this, and I think Mr. Oeming raises a point. On this '72 date may I suggest that all the States may want to come back with a terminal date and a notion whether they can give dates for each community that they are dealing with. In other words, I am not prejudging, but let me, just to make this clear, do this by example.

Let's suppose December '72 is the date.

EXECUTIVE SESSION

1
2 If you can finish everything by December '72--
3 by the way, I think this does not necessarily
4 relate to Illinois or Indiana. Possibly the
5 recommendation should state that the dates set
6 for Illinois or Indiana that we set in the past
7 stand, because--

8 MR. OEMING: Oh, I see.

9 MR. STEIN: --they don't have this
10 problem. This is just Wisconsin and Michigan.
11 These people pretty much have their dates and
12 are fairly well engaged right down to the nines.
13 There may be some disagreements, but we have a
14 date tabbed for each source.

15 But Wisconsin and Michigan, I think,
16 have the problem. One, let's suppose--and I am
17 just supposing--that you should have a terminal
18 date when you are going to finish it all,
19 December '72 or whatever. Then to give you the
20 flexibility whether you can have a date that
21 you are going to have sufficient work done for
22 each community and industry of when they are
23 going to do it or when you can have that
24 information, if that is possible. Do I make
25

EXECUTIVE SESSION

1
2 myself clear?

3 MR. HOLMER: Well, we expect that
4 this will be done by '72.

5 MR. STEIN: O. K. Then I don't think
6 you have this problem.

7 MR. HOLMER: We don't have it.

8 MR. STEIN: No. Then I think this
9 is Mr. Oeming. And we have done this with you
10 before, Larry, in Detroit. But I don't think
11 you have the problems if you expect it can be
12 done by '72.

13 In other words, do what you have done
14 in Detroit, either decide, give us a date for
15 each city and industry, or tell us when you
16 expect to have a date for the Conferees for
17 each city and industry. O. K.?

18 MR. OEMING: All right.

19 MR. STEIN: All right.

20 MR. KLASSEN: For the purpose of the
21 record, there are territories in Illinois in
22 this conference that are not covered by the
23 Illinois-Indiana conference.

24 MR. STEIN: Are you having trouble
25

EXECUTIVE SESSION

1
2 with the '72 date?

3 MR. KLASSEN: No.

4 MR. STEIN: And are there areas in
5 your State too, Mr. Poole?

6 MR. POOLE: No. The only place,
7 John and I were just looking here, that we
8 would have trouble with the '72 date is
9 possibly on a few of the little towns in the
10 St. Joseph basin. I haven't counted up how
11 many of those there are, but this may cause
12 a little problem.

13 MR. STEIN: Yes. Well, why don't we
14 when we come back see if we can zero in on that.

15 Let's see if we can go to #3.

16 Pardon me. Do you want to say
17 something?

18 MR. POOLE: I want to say something
19 about phosphates before you get off of them
20 while Dr. Weinberger is here.

21 Within the past month since the
22 conference was started we are beginning to
23 get a lot of inquiries from our consulting
24 engineers on how do you do this and what do
25

EXECUTIVE SESSION

1
2 you do, et cetera, and so forth and so on. And
3 I would like to suggest that Mr. Poston--and I
4 think Dr. Weinberger is going to have to take
5 the primary initiative on this--consider arranging
6 a seminar, presumably here in Chicago, for the
7 consulting engineers of the area. It may
8 take a two-day seminar, I don't know--where
9 they bring in people from the manufacturers and
10 equipment people and the universities, or
11 wherever they are, where they can get down
12 and talk about the nuts and bolts of this thing.

13 Personally, I think it would be a very
14 good idea and will speed the whole program up a
15 good deal.

16 MR. KLASSEN: I want to endorse that,
17 Mr. Chairman.

18 MR. OEMING: I endorse it 100 percent.

19 MR. KLASSEN: That is a real good
20 idea I can endorse.

21 MR. STEIN: Any time he can come up with
22 an idea that can put Dr. Weinberger to work,
23 I will endorse it too.

24 MR. KLASSEN: Personally, I think this
25

EXECUTIVE SESSION

1
2 is necessary.

3 MR. STEIN: Yes, this is good.

4 DR. WEINBERGER: Speaking for Mr.
5 Poston and myself, we will do that.

6 MR. POOLE: I don't know about a
7 time, but I would hope it could be done within
8 the next 60 days. That is, the sooner we get
9 it done, the quicker we get the show on the road.

10 DR. WEINBERGER: We will make every
11 effort to have it done within 60 days.

12 MR. POSTON: What specifically?

13 DR. WEINBERGER: Phosphate removal.

14 MR. POSTON: Yes, I know, but for
15 consulting engineers on design?

16 MR. POOLE: Yes. And I think what
17 we should do, and I don't know as it has to be
18 limited to the consulting engineers of the four
19 States, but what I will propose to do is to
20 encourage our firms to send representatives
21 here to this conference or seminar, or whatever
22 you want to call it.

23 MR. STEIN: I think for the sake of
24 the stenographer and the record, we had better
25

EXECUTIVE SESSION

take a 10-minute recess.

(Recess.)

MR. STEIN: May we get back?

I didn't notice that 4 here before,
but I see that is what we covered before.

RECOMMENDATION #3

What do you think about this 3,
continuous disinfection?

MR. HOLMER: Just a minute, Mr.
Chairman, I am lost.

MR. STEIN: Yes, that is on recom-
mended actions. Take your time.

MR. HOLMER: I have a question whether
we should aim for December of '69 or May of '69.
We would be inclined to move the date forward to
coincide with the recreation season, which is the
most important time of the year for this to occur.
If the other Conferees find this date necessary,
that is all right with us.

MR. STEIN: All right. May of '69.

Where is Mr. Klassen?

(Across-the-table discussion inaudible
to the reporter.)

EXECUTIVE SESSION

1
2 MR. STEIN: The proposal is that we
3 get this into the recreation season by May '69,
4 chlorination. This is proposed by Wisconsin.
5 Do the other States feel they can meet this?
6 Or else we have lost another year.

7 I think the point is abundantly
8 clear, if we wait until December that is not
9 the recreation season and the full effect--

10 MR. HOLMER: If you wait until then,
11 you may as well make it May '70.

12 MR. STEIN: Yes. Well, we are better
13 off, we have got a little leeway here. I wouldn't
14 want to push it back, but to all intents and
15 purposes if we are going to get the recreation
16 season in 1969, what do you think of this
17 recommendation?

18 MR. OEMING: Well, Mr. Chairman, I
19 don't like to put Michigan on the spot here of
20 having to go back and say to our communities,
21 "Well, you have got another year now." We have
22 got them all coming.

23 MR. STEIN: To what? No, we are
24 pushing them up a year.
25

EXECUTIVE SESSION

1
2
3 MR. OEMING: Well, wait a minute,
4 we are doing it now. And I don't want them to
5 come and say, "Well, you fellows in Chicago
6 decided we could wait until '69 so we are not
7 going to use chlorination."

8 MR. STEIN: No. What date do you
9 want?

10 MR. OEMING: We are doing it now.

11 MR. STEIN: In other words, then, you
12 don't have any problem?

13 MR. OEMING: Yes, but when you start
14 monkeying with dates here--

15 MR. POSTON: You are saying they
16 might want to shut them off until such time?

17 MR. OEMING: Yes. It costs money
18 for some of these communities to put chlorine
19 in and they will say, "We can save this now
20 because the recommendation from Chicago says
21 we can go until '69.

22 MR. STEIN: No, no, "not later," it says.

23 Mr. Klassen, Wisconsin has proposed
24 we move the December '69 to May '69 for chlori-
25 nation.

EXECUTIVE SESSION

1
2 MR. KLASSEN: We are chlorinating
3 now. I would say that Mr. Oeming's argument
4 has some validity, but we would invoke our
5 own Illinois requirements on them and require
6 that they continue to chlorinate and not dis-
7 continue to '69.

8 MR. STEIN: Yes. But we are talking
9 about this date. Can we change it from December
10 to May? Will you love me in December as you did
11 in May?

12 (Laughter.)

13 MR. KLASSEN: Well, you can change it
14 as of March 7, '68, as far as I am concerned,
15 because we are doing it now.

16 MR. STEIN: How about you, Mr. Poole?

17 MR. POOLE: I am just looking at the
18 St. Joseph. I think everything in the Lake
19 Michigan basin is doing it now, and we have
20 got three or four in the St. Joseph basin.
21 There are only two that I would have any
22 reservations on. The City of South Bend has
23 us in court on our order for them to chlorinate.
24 The time is overdue and it just depends on how
25

EXECUTIVE SESSION

1
2 rapidly we can move it through the court.
3 The City of Ligonier has primary treatment
4 and no chlorination and I don't know what
5 the status of Ligonier to add the--

6 But those are the only two that I
7 can see.

8 MR. STEIN: Well, about a court
9 case, you know, none of us can argue, but
10 that shouldn't affect our putting a date.

11 MR. POOLE: I don't think this creates
12 any insurmountable problems.

13 MR. STEIN: If we put it May?

14 MR. POOLE: That would make no
15 difference.

16 MR. STEIN: All right, let's put it
17 May.

18 MR. KLASSEN: You have the same
19 problem, however, Mr. Chairman, because the
20 two Federal installations in Illinois, Great
21 Lakes and Fort Sheridan, are now both
22 chlorinating, and I hope you see that they
23 continue and not postpone until '69.

24 MR. STEIN: We will do our best.
25

EXECUTIVE SESSION

Here are the Army engineers.

MR. KLASSEN: I have already talked to the Colonel and he assured me they were going to continue, although they are out of our jurisdiction, of course.

MR. OEMING: May 1970?

MR. SCHNEIDER: No, May '69, isn't it?

MR. OEMING: May '69?

MR. POSTON: That was the last I heard, May of '69. Is that right, Murray?

MR. STEIN: Yes, May of '69.

MR. POSTON: The recommendation is unchanged except for the date, May of '69?

MR. STEIN: Right, May of '69.

Now, I think that we have to incorporate that with the above. But is there--

MR. OEMING: Let's not tell them that.

MR. STEIN: --any problem on that?

MR. HOLMER: Mr Chairman, I am reluctant to have us take action on that recommendation about which I am so ill-informed.

EXECUTIVE SESSION

MR. STEIN: No, I think this recommendation really relates to just two States.

MR. HOLMER: Well, but it is recommended that is the preface to this.

MR. STEIN: Yes.

MR. HOLMER: And--

MR. STEIN: No, I would have put this another way. The dates and deliberations of that conference have not appeared in the record of this conference. All I think we have to put in is a statement. The way I would put that--in any statement--is that any recommendations that we have on the schedules, because they are earlier, are not meant to modify or supersede the recommendations made for the Illinois or Indiana communities in an earlier conference. We really didn't cover those in these. That was already done. In other words, this conference is not covering that.

MR. KLASSEN: This area again is not in the Illinois-Indiana conference.

EXECUTIVE SESSION

1
2
3 MR. STEIN: I know, but the ones
4 that are.

5 MR. KLASSEN: Yes.

6 MR. STEIN: Right.

7 MR. POSTON: What does this mean now
8 to lagoons?

9 MR. STEIN: I hope nothing.

10 (Laughter.)

11 MR. POOLE: Four?

12 MR. MILLER: Lagoons?

13 MR. STEIN: Lagoons? On chlorination
14 or--

15 MR. POSTON: I thought we were talking
16 relative to chlorination.

17 MR. STEIN: All right, here we go.
18 Do you want to chlorinate the effluent from the
19 lagoon?

20 MR. MILLER: Why not?

21 MR. KLASSEN: Sure.

22 MR. STEIN: All right.

23 MR. OEMING: Who has done that? Are
24 you doing that?

25 MR. KLASSEN: Sure.

EXECUTIVE SESSION

1
2
3 MR. POOLE: We have done it on most
4 of ours, any of them that are critical. I
5 would have to have Mr. Hert up here to answer
6 that question.

7 MR. OEMING: We aren't very successful
8 in doing this job.

9 MR. KLASSEN: Why is the question
10 raised?

11 MR. STEIN: That is what I wonder.

12 MR. POSTON: Well, because the lagoons
13 were brought up here and relative to phosphate
14 removal.

15 MR. STEIN: Here, let me put it this
16 way. Isn't it more critical on the phosphate
17 removal on lagoons than the chlorination from
18 lagoons, really, as a pollution control measure?
19 Do we really have to cover this question of
20 chlorinating effluent from lagoons?

21 MR. HOLMER: Well, 3 refers to treat-
22 ment plants as it is worded. The question didn't
23 arise with us.

24 MR. STEIN: Is this really a problem,
25 chlorination from lagoons, except that the

EXECUTIVE SESSION

Federal Government has to worry about?

MR. POSTON: Well, I think it is a source of bacteria.

MR. STEIN: Do you mean that--do you think it covers lagoons or not?

MR. OEMING: Well, I think we get over this hump--

MR. POSTON: This is the question I am asking.

MR. OEMING: I think we get over this hump, Mr. Chairman, going back again, that if you are talking about discharges to Lake Michigan, I doubt whether you are concerned about whether Portland up in the headwaters of the Grand River disinfects the year round. We are concerned, but from the standpoint of this conference you are not.

MR. STEIN: That is right. That is why I would say I could see--

MR. OEMING: So this eliminates lagoons pretty much.

MR. STEIN: That is why I said I see how we would be concerned with phosphates

EXECUTIVE SESSION

possibly from lagoons.

MR. OEMING: Yes.

MR. STEIN: But it seems a little remote to me, unless you have some itty bitty communities on the lake that I don't know about with a lagoon. The likelihood is that they would be upstream, wouldn't they?

MR. OEMING: Why don't we say discharging to Lake Michigan and that will get over a lot of the lagoon humps here.

MR. STEIN: I think we would be better to leave it this way and leave it up to State interpretation without getting into that thicket. You know, we are tilting at a windmill here. This doesn't have any substance.

I can see where it can be a very critical problem for many of the States where some of the lagoons need to chlorinate, but I can't conceive that the chlorination of effluent from lagoons one way or the other is going to terribly affect pollution of Lake Michigan.

If I am wrong on that, I would like

EXECUTIVE SESSION

to hear it.

MR. OEMING: I can't get excited about that.

MR. STEIN: That is right. We have an intriguing question, but let's back away. O. K.?

All right. Now, combined sewers.

MR. HOLMER: Murray, before you--

RECOMMENDATION #4

MR. POOLE: What did we do about 4?

MR. STEIN: Oh.

MR. OEMING: You must be looking at something different here. 4?

MR. SCHNEIDER: 4. What we are going to say, and I thought I handled that before, we are going to say that unless you want to raise this issue that the actions of this conference do not supersede the time schedules established by other actions for the--

MR. OEMING: That I can vote on. That I can vote on, but I can't vote on this.

MR. STEIN: That is right.

MR. OEMING: Yes.

MR. STEIN: --which have been established by previous actions, and we are just not

EXECUTIVE SESSION

1
2 covering that.

3 MR. OEMING: Either the requirements
4 or the time schedules.

5 MR. STEIN: Either, yes. We just
6 don't cover that.

7 MR. POSTON: Would that be as a
8 recommendation then or--

9 MR. STEIN: No, that is just a
10 statement.

11 MR. POSTON: A statement. And it
12 will be put right at this point?

13 MR. STEIN: We can put it at any
14 appropriate point.

15 MR. PURDY: How about putting it
16 in a conclusion?

17 MR. STEIN: Or a conclusion.

18 MR. OEMING: That probably ought to
19 be in the conclusions, Wally.

20 MR. POSTON: Pardon?

21 MR. STEIN: A conclusion. Because I
22 do not think we can ask either Wisconsin or
23 Michigan to rule on this.

24 MR. OEMING: No.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: And I don't know that
4 they should. I think we have definite dates,
5 there is a procedure, things are going back
6 and forth, we are engaged. I think that the
7 democratic process will work itself out, and
8 if pollution control were to be moved forward
9 by you two States getting into this, that would
10 be fine. I suggest it wouldn't and you are just
11 going to buy into our headache and there is no
12 reason to do that.

13 O. K.?

14 MR. HOLMER: Before we leave 1, 2, 3
15 and the conclusions--

16 MR. STEIN: Yes.

17 MR. HOLMER: The introduction to this
18 simply says "It is recommended that." I would
19 prefer, if it isn't too much trouble for my
20 fellow Conferees, that it read:

21 "It is recommended that the water
22 pollution control agency of each State take
23 action to assure the following local actions:"

24 In other words, the recommendation
25 applies to the State pollution control agency,

EXECUTIVE SESSION

1
2 and I want us to feel the direct burden of
3 this responsibility.

4 MR. STEIN: O. K. Right. As far
5 as we are concerned, there is no problem there
6 because the law says that after these recom-
7 mendations are made the Secretary has to make
8 these recommendations to the state water pol-
9 lution control agency. He has no option. In
10 other words, he must take these recommendations
11 and make them to you. He doesn't make them to
12 anyone else.

13 If there is no objection, can we do that?

14 MR. OEMING: Sure.

15 MR. STEIN: Fine. All right.

16 MR. HOLMER: I would have the same,
17 then, to introduce "Combined Sewers."

18 MR. STEIN: Right.

19 MR. MILLER: What is the wording?

20 MR. STEIN: The same statement every
21 time it appears.

22 MR. MILLER: What is the statement?

23 MR. STEIN: Do you want to repeat that?

24 MR. HOLMER: "The water pollution
25

EXECUTIVE SESSION

control agency of each State take action to assure the following"--

MR. OEMING: Why don't they drop it there?

MR. STEIN: Yes.

MR. HOLMER: "to assure the following:"

MR. STEIN: "to assure the following", right, period.

MR. HOLMER: Colon.

MR. STEIN: Or colon. Right. Good.

Now, may we go on to 5.

RECOMMENDATION #5

"5. Adjustable overflow regulating devices be installed on existing combined sewer systems, and so designed and operated as to utilize to the fullest extent possible the capacity of interceptor sewers for conveying combined flow to treatment facilities. The treatment facilities shall be modified where necessary to eliminate bypassing. This action to be taken as soon as possible and not later

EXECUTIVE SESSION

1
2
3 than December 1970."

4 MR. POOLE: I have trouble with the
5 second sentence, Mr. Chairman. I don't know
6 whether that means that you seal off every bypass
7 on every treatment plant or not. And if it does,
8 I don't know how you operate them all.

9 MR. STEIN: That sounds like an engineer-
10 ing question, Mr. Poole. Let me ask our engineers.

11 MR. KLASSEN: Suggestion: Could you say
12 non-emergency?

13 MR. POSTON: Well, I think we had
14 authorized bypassing--

15 MR. KLASSEN: Oh, we don't authorize.

16 MR. POSTON: I didn't think we had
17 any unauthorized bypassing.

18 MR. HOLMER: Would "minimize" be better
19 than "eliminate"?

20 MR. STEIN: Yes, to minimize.

21 MR. KLASSEN: The only time you bypass
22 is in an emergency. Why not say a non-emergency
23 bypass?

24 MR. STEIN: Well, "to eliminate non-
25 emergency bypassing"? Or "to minimize" might be

EXECUTIVE SESSION

1
2 better.

3 MR. OEMING: I think so.

4 MR. STEIN: How about "minimize"?
5

6 Will you buy that, Blucher?

7 MR. POOLE: Yes, I can buy that.

8 The only thing, I didn't want somebody to be
9 coming around saying you had to pour concrete
10 in all the bypasses that you have at the sewage
11 plants.

12 MR. STEIN: I used to know a fellow
13 who operated in Kansas City who would have
14 loved that program.

15 (Laughter.)

16 He paved a creek there.

17 (Across-the-table discussion, inaudible
18 to the reporter.)

19 MR. STEIN: Are we ready to move on?

20 MR. SCHNEIDER: Well, I think Illinois
21 is already requiring ponding of this bypass so
22 that you really don't have any bypass to the
23 stream. Is this the case in some of your areas
24 now?

25 MR. MORTON: That is correct.

EXECUTIVE SESSION

MR. KLASSEN: We already have some of them.

MR. POOLE: You can do that in some, but I am thinking of the Mishawaka sewage plant, which is right up on the bank of the river and is in the city park and the corporate limits of the City of South Bend is immediately west of it. There is no place there to put a pond.

MR. STEIN: Are we satisfied with 5? As you well know, this is one of the most difficult problems we have in the field, and the notion that you are going to come up with a program that is going to be perfect in this area is nice, but we have to recognize the facts of life. Don't you think you have gone as far as you can?

All right, let's try 6.

RECOMMENDATION #6

"6. Effective immediately, combined sewers be separated in coordination with all urban reconstruction projects, and prohibited

EXECUTIVE SESSION

1
2 in all new developments, except where other
3 techniques will be applied that will prevent
4 pollution. Pollution from combined sewers to
5 be eliminated by July 1977."

6 MR. KLASSEN: Are we on 6, Mr.
7 Chairman?

8 MR. STEIN: Yes, we are, sir.

9 MR. KLASSEN: Another practical problem
10 is a number of urban developments right in the
11 hearts of cities, and Poole raised this, I just
12 don't know how you eliminate combined sewers.

13 MR. POSTON: I think that is the
14 reason we put in this phrase, "except where
15 other techniques will be applied that will
16 prevent pollution." In other words, we have
17 an extensive combined sewer overflow problem
18 research and demonstration project, and the
19 purpose of this is to find other ways to handle
20 these problems.

21 With that in mind, and with the
22 conversations that were held here before, we
23 felt that this would take care of a particular
24 area where you would have a little likelihood
25

EXECUTIVE SESSION

1
2 of separation, a built-up industrial area such
3 as here in Chicago.

4 MR. KLASSEN: I don't want to get to
5 nit-picking on words, but other techniques
6 will be applied or can be applied? I could
7 visualize areas here in Chicago where the only
8 alternative would be to collect and treat. And
9 as Mr. Poole pointed out, we have situations
10 like this, they are in the heart of a city,
11 and I don't know just how you would do that.

12 MR. STEIN: Yes, all right. Let me
13 try this. I think this may be a little better.

14 "But other techniques can be applied
15 to control pollution."

16 MR. KLASSEN: That is right.

17 MR. STEIN: Because you are not going
18 to prevent--

19 MR. KLASSEN: The idea is good, of
20 course.

21 MR. STEIN: "Can be applied to control,"
22 right?

23 MR. KLASSEN: Yes.

24 MR. STEIN: And then we are in better
25

EXECUTIVE SESSION

1
2 shape. Because we all recognize the special
3 problems that crop up in every city. You are
4 going to do the best you can.

5 I grappled with this. You know,
6 in Washington we spent \$100 million on the
7 stormwater problem and what we have done is
8 ameliorate it. We selected the outfalls and
9 cut them down, cut the percentage of the overflows
10 down, but we didn't prevent it. We didn't cut
11 it out; and this was the best we could do, at
12 least at the time we thought it was the best
13 we could do, because the alternative we had was
14 ripping up the city and not allowing an auto-
15 mobile to drive through for 15 years, which might
16 have been a better solution, I don't know.

17 So you had to do the best you could,
18 and the notion that you are going to completely
19 prevent pollution with this, maybe we are
20 stretching it.

21 O. K.

22 MR. OEMING: Along the same lines,
23 Mr. Chairman, would you mind substituting
24 "controlled" instead of "eliminated"?
25

EXECUTIVE SESSION

MR. STEIN: "to be controlled by"--

MR. OEMING: By 1977.

MR. STEIN: Yes, "controlled."

All right. May we go on to 7?

MR. HOLMER: Sir.

MR. STEIN: All right.

MR. HOLMER: I have two additional recommendations that I think would be useful coming out of this conference. One is that each State water pollution control agency formally adopt policies encouraging the discharge of treatable industrial waste following needed preliminary treatment to municipal sewer systems.

And the second, that each water pollution control agency adopt policies encouraging unified collection systems serving contiguous urban areas where feasible.

Now, these are related.

MR. STEIN: Just procedurally, isn't your second point related to industrial wastes rather than on the combined wastes?

MR. HOLMER: I would be glad to take

EXECUTIVE SESSION

1
2 it up there.

3 MR. STEIN: By the way, I thoroughly
4 agree with your--

5 MR. HOLMER: I want to be sure that--

6 MR. STEIN: I thoroughly agree with
7 your point, but I think that is the best way
8 of handling industrial wastes where it can be
9 done.

10 Your second point, let's have this
11 again.

12 MR. HOLMER: This has to do with the
13 adoption of policies encouraging unified
14 collection systems serving contiguous urban
15 areas where feasible, metropolitan sewerage
16 systems. You recommended this in your original--

17 MR. POSTON: We have that in our
18 book here, but for some reason it got left
19 out. It is #15 in the book here. I think
20 that should be included.

21 MR. HOLMER: We did too.

22 MR. STEIN: Yes. Now, where do you
23 think--again, this doesn't seem to me to fit
24 under "Combined Sewers".
25

EXECUTIVE SESSION

1
2 MR. POSTON: No, it is a separate one
3 by itself.

4 MR. SCHNEIDER: Land use practices,
5 probably.

6 MR. STEIN: Of land use practices?
7 No, it isn't.

8 MR. SCHNEIDER: I think that is the
9 only place--

10 MR. HOLMER: Why don't you retitle
11 "Combined Sewers" "Recommendations Relating
12 to Wastewater Collection"? A coined phrase.

13 MR. STEIN: Well, isn't your other
14 one really an industrial waste? As far as I
15 can see--and Freeman, this is one I agree with
16 you on.

17 MR. HOLMER: It may be a municipal
18 waste.

19 MR. STEIN: I think that may be the
20 most important recommendation--your first one,
21 I would like to hold it--probably the most
22 important single recommendation we can make
23 on industrial wastes is the one you just made,
24 even more important than all the treatment we
25

EXECUTIVE SESSION

are coming to.

MR. POSTON: This is a little different thought here.

Read that.

MR. STEIN: This should be a separate heading.

MR. POSTON: Right.

MR. STEIN: Does this read exactly this way or did you change it?

MR. HOLMER: I don't know that we changed it much. We probably changed it some--

MR. STEIN: Yes, because I--

MR. HOLMER: Relating to syntax.

MR. SCHNEIDER: I think this further deals with septic tanks, doesn't it?

MR. POSTON: Right.

MR. SCHNEIDER: And this one doesn't.

MR. STEIN: Yes.. Here, let's do this as a--on a procedural matter, Freeman, not that we are going to take this up. Let's finish the combined sewer first. Let's take your industrial wastes up first on the next issue.

Does anyone have anything under this

EXECUTIVE SESSION

combined sewers?

(No response.)

MR. STEIN: No?

Then let's go on to industrial wastes.

What is your first suggestion?

MR. KLASSEN: On 7?

MR. STEIN: No, no, Freeman has one before we start on 7.

RECOMMENDATION #7

MR. HOLMER: "That each water pollution control agency formally adopt policies encouraging discharge of treatable industrial wastes (following needed preliminary treatment) to municipal sewer systems."

MR. STEIN: Are there any comments on that?

MR. OEMING: Yes. Well, I like the idea, except that I would like to suggest to try Mr. Holmer out on striking the words "adopt policies" and just say "formally encourage the discharge of treatable"--

EXECUTIVE SESSION

1
2 MR. HOLMER: All right, that is
3 agreeable to me, sure.

4 MR. STEIN: All right. Why don't
5 you straighten it out on yours, because I may
6 ask you to read this again, Freeman. What
7 page are you on?

8 MR. HOLMER: I am on page 13 of mine,
9 3.1. If you just start with "encourage" in
10 the second line--

11 MR. OEMING: Strike "adopt policies"?

12 MR. HOLMER: Why don't you just start
13 with "encourage."

14 MR. OEMING: All right. All right.
15 All right.

16 MR. HOLMER: And then follow with
17 the last three lines?

18 MR. STEIN: "Formally" too. "Encourage
19 discharge." All right. Let me read this again:

20 "It is recommended that each State
21 water pollution control agency encourage discharge
22 of treatable industrial wastes (following needed
23 preliminary treatment) to municipal sewer systems."

24 MR. OEMING: O. K.
25

EXECUTIVE SESSION

MR. STEIN: Any objection?

(No response.)

MR. STEIN: If none, let's see if we can do that as #7 under "Industrial Wastes".

O. K., let me go on to 8.

RECOMMENDATION #8

"8. Industries not connected to community sewer systems and producing wastes in quantities exceeding 800 pounds of BOD."

It seems to me we are going over the same ground.

MR. OEMING: Yes.

MR. STEIN: "Industries producing lesser quantities," and so forth and so on.

I don't know, if we are going to run into all this, that it pays even reading this since we have come to a conclusion first.

Does anyone suggest a substitute?

MR. KLASSEN: Except there is one thing involved here, Mr. Chairman, that industry raises that we will have to answer. What do we mean

EXECUTIVE SESSION

by secondary treatment?

MR. OEMING: Well, I think this goes deeper than that.

MR. KLASSEN: In New York it's 70 percent, Alabama it's 75, Indiana 80, Illinois 85, now we have got 90.

MR. STEIN: I will give you my view of this on the record from grappling with this problem every week of the year in every State in the Union.

Gentlemen, the sooner we drop primary treatment, secondary treatment, advanced treatment and tertiary treatment and talk in terms of the treatment for the specifics that we need the better off we are going to be. We have meaningless--not only meaningless, they are elastic terms, and any time you are dealing with rubber words you are in trouble. So I think we--

MR. OEMING: I think, Mr. Chairman, we should go back to somewhat the same wording, except we aren't talking about phosphorus--

MR. STEIN: Right.

MR. OEMING: --that we had in recommendation #1. We have been over that same ground.

EXECUTIVE SESSION

1
2 The same arguments apply here as applied to
3 this 800 pounds of BOD for municipalities
4 and the relationship between this and the stan-
5 dards and all this.

6 Why couldn't we just say that the
7 States proceed to implement the standards in
8 accordance with their approved standards and
9 plan of implementation?

10 MR. STEIN: Well, we can say, "Industries
11 not connected to community or municipal sewer
12 systems"--maybe "community" is the word, but
13 the word we used in the Federal Act is "municipal"--
14 "industries not connected to public sewer systems
15 or municipal sewer systems discharge wastes,
16 provide treatment--collection of wastes and
17 treatment so as not to result in a degradation
18 of the water quality of Lake Michigan as pro-
19 vided in the standards approved by the appro-
20 priate States and by the Secretary of the Interior."

21 MR. OEMING: Amen.

22 MR. STEIN: All right?

23 MR. KLASSEN: Yes.

24 MR. STEIN: All right.
25

EXECUTIVE SESSION

1
2
3 MR. POSTON: Does this mean, then,
4 that we will have no requirement for any
5 stream, tributary, intrastate streams and
6 tributary, until such steps occur or until
7 damage occurs?

8 MR. OEMING: No. No. Now, you are
9 in touch with the States in this region, you
10 have got telephones, you get our plans of
11 implementation.

12 MR. SCHNEIDER: No, what he is talking
13 about is intrastate streams.

14 MR. STEIN: Yes.

15 MR. OEMING: O. K., this is what I
16 am talking about.

17 MR. STEIN: The point is, what we
18 are dealing with is with pollution of the
19 interstate waters of Lake Michigan. Now, I
20 don't know--let me pick a city of yours, just
21 for fun. You don't care?

22 MR. OEMING: Sure, go ahead.

23 MR. STEIN: I don't know what Traverse
24 City discharges, but let's say Traverse City
25 discharges into a tributary in Lake Michigan

EXECUTIVE SESSION

1
2 and let's suppose they were discharging their
3 wastes in raw without any treatment. I don't
4 think I would have to wait very long if they
5 were doing that to know that the small flow
6 that that had from Traverse City down that
7 tributary was going to affect Lake Michigan,
8 and I would say you are in violation.

9 MR. OEMING: Yes.

10 MR. STEIN: And I don't know that there
11 is any mystery. What we are going to have to do,
12 presumably the States have an implementation
13 plan, don't they, on these industries to provide
14 treatment--

15 MR. OEMING: Yes.

16 MR. STEIN: --to meet necessary
17 standards. Is it true or not?

18 MR. OEMING: Yes.

19 MR. STEIN: Now, either you are going
20 to meet it or you are not.

21 MR. OEMING: Sure.

22 MR. STEIN: All right. Is there any
23 question?

24 Is this any different--let me ask you--
25

EXECUTIVE SESSION

1
2 is this any different than when they have
3 put in a plan?

4 MR. POSTON: Well, I don't think we
5 know what is in the plan in certain communi-
6 ties--

7 MR. OEMING: Oh, for heaven's sakes,
8 Wally, you have approved our plans.

9 MR. POSTON: --that are on intrastate
10 streams.

11 I might give you an example. What
12 are the industries on the Fox River going to be
13 required to do that discharge into Green Bay,
14 what is going to be required?

15 MR. HOLMER: They are going to be
16 required to regulate their discharges so as
17 to achieve the superior State water quality
18 standards on Green Bay.

19 MR. POSTON: "They are going to be."

20 MR. HOLMER: Well--

21 MR. OEMING: They have got to be. We
22 said--

23 MR. POSTON: We don't have that there.

24 MR. HOLMER: We have our intrastate
25

EXECUTIVE SESSION

standards through the period of public hearing and we are going to issue orders to achieve those standards and these are designed to achieve our interstate standards.

MR. OEMING: We have got this responsibility.

MR. POSTON: When will this--what?

MR. OEMING: We have got this responsibility, Wally, whether it comes out of a sewer into Lake Michigan or out of a tributary stream, we have got the responsibility. And I don't think there is any indication here on anybody's part that they don't accept this responsibility to see that those standards are met.

MR. STEIN: Well, I think we have argued this before. What I think Mr. Oeming proposes is a parallel for the industrial wastes and what we decided on in municipal wastes.

Tell you what we do, let's type it up this way. If you have second thoughts and you can't do it, we are going to do this again.

But I think, and I am always ready

EXECUTIVE SESSION

for a discussion, but, gentlemen, this is the same--you know, we are the second lap around on the merry-go-round on the same argument, and let's try to go on.

Next #9.

RECOMMENDATION #9

"9. Continuous disinfection be provided for industrial effluents containing coliform bacteria in excess of 5,000 per 100 milliliter, and those where pathogenic bacteria and viruses may be present by December 1969."

MR. OEMING: Well, I think you are putting yourself in a straitjacket, that is my only question about this, because it is not only the concentration of coliforms, but it is the quantity that is involved here. Now, 10 gallons a minute at 5 thousand coliforms doesn't bother me, but 10 million gallons at 5 thousand does bother me. And so the impact bothers me.

MR. STEIN: Yes.

MR. OEMING: You are putting yourself

EXECUTIVE SESSION

in a straitjacket, it seems to me.

MR. STEIN: What do you think about it? Don't you think the way--

MR. POSTON: What is your suggestion?

MR. OEMING: Well, this is the difficulty with trying to do things like this.

MR. STEIN: We have handled this before. I am not giving you something that hasn't come up before.

MR. OEMING: All right.

MR. STEIN: The way we do this is:

"Continuous disinfection be provided for industrial effluents containing"--

MR. POSTON: Coliform.

MR. STEIN: --"coliform"--or "pathogenic organisms"--I don't know what he means by "and viruses"--"pathogenic organisms which may have a deleterious effect on those coming into contact with the receiving waters."

MR. OEMING: --"with the waters of Lake Michigan."

MR. STEIN: Yes. In other words, where this is a hazard they have to do it, unless you

EXECUTIVE SESSION

1
2 want--

3 MR. POSTON: Well, I think this is what
4 we are after too.

5 MR. STEIN: No, I understand that, but
6 the question is, there are two ways to determine
7 whether it is a hazard. Here is what Larry is
8 saying. Either you are going to do it where you
9 find any pathogenic organisms in it at all and
10 make them disinfect or where it is going to be
11 a significant amount of pathogenic organisms.
12 What Larry is saying, in excess of 500 per 100
13 milliliter is not the test of significance.

14 MR. OEMING: No.

15 MR. STEIN: And I think he has a point.

16 MR. OEMING: Your test is the better
17 test.

18 MR. STEIN: That's right.

19 MR. POSTON: Which test is that?

20 MR. OEMING: The one that Mr. Stein
21 proposed here or advanced.

22 MR. STEIN: You see, given this test,
23 theoretically you could have a guy putting out
24 100 million gallons a day at 450 coliforms per
25

EXECUTIVE SESSION

100 milliliters and not require him to disinfect, and then you could have a guy putting out 3 gallons a day per 55 hundred and require him to disinfect. You know, it doesn't make much sense.

MR. OEMING: Could we go back to your statement, Mr. Stein? I liked what you said, again, the one that you read here.

MR. STEIN: Yes. We are protecting public health with this, aren't we, people, right?

MR. POSTON: Yes.

MR. STEIN: All right. Let's go.

"Continuous disinfection be provided for industrial effluents containing pathogenic organisms which will deleteriously affect those coming into contact with Lake Michigan waters."

MR. OEMING: Right.

MR. STEIN: And then you make a judgment. Right.

MR. KLASSEN: One other suggestion, Mr. Chairman. In order to keep these consistent with the Department of the Interior technical advisory

EXECUTIVE SESSION

1
2 committees and previous ones, we ought to use
3 fecal coliform. We were told this is the term
4 and the technical advisory committee at the
5 Indiana-Illinois conference spent a lot of time,
6 and you have one of your experts here on that,
7 Mr. Kittrell, who I think argued this point.
8 This is all right with us, but just to keep--

9 MR. STEIN: No, I changed that to
10 put "pathogenic organisms" to get away from the--
11 instead of "coliform, viruses," cut them all out.
12 I used the phrase "pathogenic organisms". The
13 difficulty is--

14 MR. POSTON: How do you analyze for
15 pathogenic organisms, then?

16 MR. STEIN: What?

17 MR. POSTON: How do you make this analy-
18 sis or determination?

19 MR. STEIN: Well, you use your standard
20 methods. And you guys are going to change it all
21 the time.

22 Let me go off the record here.

23 (Off the record.)

24 MR. STEIN: What we are doing is trying
25

EXECUTIVE SESSION

1
2 to give you people the flexibility. Again,
3 you see, if you are talking about detail, we are
4 talking about a principle here, when you are
5 going to determine that an industry has to dis-
6 infect its effluent. When you are going to have
7 to determine that an industry has to disinfect
8 its effluent is when they are going to have
9 wastes in the effluent which are causing a
10 hazard to health, right? And this is the
11 determination you make by your standard methods.
12 Isn't this all the same?

13 MR. KLASSEN: No.

14 MR. POSTON: No, I don't think so.

15 MR. KLASSEN: No, it is not. Patho-
16 genic bacteria is not in the same category.

17 MR. OEMING: No.

18 MR. KLASSEN: And I just say--

19 MR. STEIN: I didn't say pathogenic
20 bacteria.

21 MR. KLASSEN: How does it read? Do you
22 cut out coliform?

23 MR. STEIN: That's right. I said
24 "Continuous disinfection be provided for industrial
25

EXECUTIVE SESSION

1
2 effluents containing pathogenic organisms
3 which may have a deleterious effect on persons
4 coming into contact with Lake Michigan water."

5 MR. KLASSEN: That puts the onus
6 and the requirement on the State water pollution
7 control agency, and while I am no bacteriologist,
8 just the isolation of typhoid organisms in water
9 is a real tricky job.

10 MR. OEMING: Clarence, your argument
11 is with the term "pathogenic" versus "fecal."
12 Would you say that fecal would represent pretty
13 much the pathogenic strains that you are con-
14 cerned about?

15 MR. KLASSEN: I would defer to Mr.
16 Kittrell or somebody. We were required to put
17 it in our-- Here he is.

18 MR. STEIN: Kit, do you want to answer
19 that? How would you do that?

20 MR. KITTRELL: I am not sure just
21 what the question is.

22 MR. STEIN: I see what Clarence's
23 point is. Clarence's point, if we don't give
24 you the escape hatch on coliform bacteria and
25

EXECUTIVE SESSION

1
2 we make him isolate a pathogen, he may be in
3 a little jam, as we all are.
4

5 Then he raises the further question,
6 isn't the term "coliform" obsolete, do we use
7 "fecal coliform" now?

8 MR. KITTRELL: Well, I wouldn't say
9 that the total coliform determination is ob-
10 solete by any means. It is still very commonly
11 used in combination with the fecal coliform
12 determination.

13 In the case of Lake Michigan standards,
14 the technical committee accepted the use of the
15 fecal streptococci because they had a long
16 record of the use of fecal streptococci here in
17 order to have a good background of information
18 on it.

19 MR. STEIN: Let me try this again.

20 "Continuous disinfection be provided
21 for industrial effluents containing pathogenic
22 organisms or indicator organisms--or organisms
23 indicating such--or indicator organisms which
24 indicate the presence of such pathogens which
25 may have a deleterious effect on persons coming

EXECUTIVE SESSION

1
2 into contact."

3 All right?

4 The difficulty that I have, Clarence,
5 is we are in a state of flux on the terminology;
6 they start fooling with coliform bacteria, then
7 they are in fecal strep, then they are fecal
8 coliforms, and we talk about coliform. I am
9 looking for the generic term. If you don't want
10 just "pathogenic organisms", you see, the patho-
11 gen is the indicator, and whatever they come up
12 with in their latest methods, this is the one
13 we use, if this is our principle.

14 MR. HOLMER: You didn't use a number,
15 though?

16 MR. STEIN: No, no. I don't think--

17 MR. OEMING: You can't, no, by itself.

18 MR. STEIN: You see, what Mr. Klassen's
19 objection to my original formulation was when
20 I talked about pathogenic organisms, we can't
21 always find the pathogenic organisms. I just
22 expanded that to say pathogenic organisms or
23 indicator organisms showing the presence of
24 such pathogenic organisms.
25

EXECUTIVE SESSION

1
2
3 MR. KITTRELL: I would just like
4 to insert "the probable presence."

5 MR. STEIN: Probable. Well--

6 MR. KLASSEN: As a lawyer what kind
7 of a case could you build up against the "probable
8 presence of indicator organisms"?

9 MR. STEIN: I would suggest we don't
10 use "probable". At least the theory is
11 statistically you have to have these pathogens
12 possible when you get enough of the indicators.
13 I have always been arguing that, anyway.

14 MR. KLASSEN: We were told by Federal
15 water pollution to put in the term "fecal coli-
16 form" and we did it, we like it.

17 MR. STEIN: All right. Well, again
18 why don't you think about that? I would strongly
19 recommend, on the basis of the past 10 years
20 experience, seeing them go from "coliform" to
21 "fecal coliform" to "fecal strep" to "staphy-
22 lococci," that we use the generic term
23 "indicator organisms," because next week I am
24 afraid the scientists may shake us loose with
25 a new test.

EXECUTIVE SESSION

Let's go on, see if we can move on to the next.

RECOMMENDATION #10

MR. STEIN: "Detailed action plans for adequate treatment of all industrial wastes be developed within six months by each industry on the attached list and submitted to the State water pollution control agency for approval prior to reporting to the Conferees. Such plans shall identify the principal characteristics of waste material now being discharged, the quantities, the proposed program for construction or modification of control facilities and a timetable for accomplishment giving target dates in detail. Treatment facilities to be constructed by December 1972. Industries shall be added or removed from the attached list at the discretion of the Conferees."

MR. KLASSEN: I would like to first of all request that all of the Illinois industries on this list be deleted, because in every instance

EXECUTIVE SESSION

1
2 they are already committed to a date prior to
3 December 1972. This will just give them an
4 added reason to delay.

5 MR. STEIN: Are there any other
6 comments?

7 MR. POOLE: Well, yes, I talked to
8 Mr. Poston about this. I was a bit flabber-
9 gasted with the Indiana list. The printed
10 document had 8 or 12, I forget which, and there
11 was half of them that were wrong. We corrected
12 that in our presentation, and he has come up
13 here now with a bunch of industries that we
14 didn't even know we had and some others that
15 we are sure are hooked onto municipal sewer
16 systems.

17 I don't know how to resolve that.
18 That is, we had in our reports and implemen-
19 tation plan all of the industries that main-
20 tained their own outlets which we considered
21 were of any significance, and I believe in
22 most of them, like Klassen, we had lesser
23 dates than 1972.

24 MR. STEIN: How about this fundamental
25

EXECUTIVE SESSION

statement? Are we in agreement on that?

MR. OEMING: No, I am not.

MR. STEIN: You are not? All right.

May I make a suggestion on the list?

This is one of the areas, as you know, where both the Federal and State people or any people can get in a lot of trouble. A list is only good if it is deadly accurate, and you can't make any mistake, I mean none. If you are not 100 percent, forget the list technique.

Now, the only way we can work something like that, if you are going to use a list, is before we publish any of them, the State and Federal people in every individual State are going to have to be in complete agreement on that, because this is something that the press and the TV people have been talking to me about ever since I have been here. Any list, and you can have a list of 521 names, all you have got to do is have one man listed in the wrong spot and that casts a doubt on your whole list if you are right on 520. No one likes to be classified as a

EXECUTIVE SESSION

polluter or possibly other people downstream from a polluter don't like to see him get an award or be a nonpolluter if he is a polluter.

I would strongly recommend that if we have these problems on this list that the State staff and the Federal staff get together before we put out any other one, be sure they are right.

MR. KLASSEN: But the Conferees reading this have to agree to the removal, and this is why none of the--I am not in quite the same category as Indiana--none of the industries listed here should be on this because they are all committed to a date that precedes December 1972.

MR. STEIN: Well, let me again, and I don't want to be stuffy, but I think the procedural way of handling this, we are not going to remove anything until we have established a list. The Conferees have not endorsed any list yet. In other words, we don't have a list. Now, maybe your communities should not ever get on this list, but--

MR. KLASSEN: How do we keep off the

EXECUTIVE SESSION

list? That is all I would like to know.

MR. STEIN: That is what I say, before we promulgate any list, and we are all going to reconvene here, I suggest that if we agree with this list technique that the States and our people get together and we be sure we are 100 percent right, and if we are not going to be 100 percent right on the list let's use another technique of control, because that is the best administrative boomerang we have if you are not completely accurate.

MR. POOLE: I agree with you, Mr. Chairman, except that if we expect to wrap this thing up by Tuesday of next week, I think that overnight some of us might think about a revision of phraseology of this paragraph 9 that would cover all of the industries that are contributing in any way to pollution without the list and give us an opportunity to come in with the list at a little later date.

MR. STEIN: What do you think of that approach? That is what we used in the southern end of the lake.

EXECUTIVE SESSION

1
2
3 Let us suppose that we get this
4 business and we get detailed plans, action plans
5 for all the industries, and the States come up
6 with a progress report in "x" amount of time,
7 and if someone wants to promulgate a list on
8 the basis of the progress report, this is fine.

9 MR. HOLMER: I have two problems
10 with this recommendation even with your
11 interpretation.

12 This is the Lake Michigan enforcement
13 conference, and on the attached list there are
14 a lot of industries whose impact on the waters
15 of Lake Michigan is questionable. We are back
16 to that same old problem again.

17 And the second is I am bothered, as I
18 know Mr. Poston is, by the use of this word
19 "adequate" in some of our plans of implemen-
20 tation, and so on--

21 MR. STEIN: Let's get your first
22 point. Your first point is, Mr. Holmer, as
23 we have done in other cases, if the States
24 are going to come up with progress reports,
25 you are going to provide the industries that

EXECUTIVE SESSION

1
2 you are reporting on, right, with the impact?
3 In other words, any list, if you want to use
4 that term loosely, will be yours.

5 I think if an industry is left off
6 or a city is left off that the Federal people
7 think should be on it, I would hope, at least
8 at the discussion stage, and this is just a
9 technical question, then they should get on.

10 But I think the best way we have
11 worked this in the past is to have each of the
12 States come up with the cities and the indus-
13 tries that they are going to report on. Right?
14 You make your own determination. If there is
15 a disagreement with that, then we will talk to
16 you.

17 In other words, your first point
18 will be taken care of. If you don't believe
19 anyone has an impact on the lake, you don't
20 put them on the list and they are not on the
21 list. O. K.

22 MR. HOLMER: And then we have a dis-
23 cussion.

24 (Laughter.)
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: And I hope this discussion--
4 this is a factual one--I hope this discussion
5 would take place before we ever go to a progress
6 meeting.

7 MR. HOLMER: Right.

8 MR. STEIN: Because I see absolutely
9 no point in bandying around a city's name or an
10 industry's name in one of these conferences when
11 it is not relevant, because it never does them
12 any good and this thing should be handled before-
13 hand.

14 And your second point on that "adequate"--
15 where do we have that?

16 MR. HOLMER: The top of line nine.

17 MR. OEMING: The first line, item 9.

18 MR. STEIN: What do you suggest?

19 MR. HOLMER: Well, I have some very
20 different language which would require facilities
21 to achieve the interstate standards, but--

22 MR. PURDY: We said that.

23 MR. OEMING: That is accepted. We
24 said that.

25 MR. STEIN: We've already--

EXECUTIVE SESSION

1
2
3 MR. HOLMER: That is determined?

4 MR. OEMING: Yes.

5 MR. POOLE: I don't find any
6 trouble with the word "adequate" myself.

7 MR. STEIN: Did you find trouble
8 with it?

9 MR. POOLE: No, I don't.

10 MR. STEIN: Why don't you read that
11 in connection with the standards? And I am
12 not sure that that is a problem. In other
13 words, I think what the detailed action plans,
14 adequate or whatever--you know, I don't like
15 that word myself, that is a colorless word--
16 but I think that has to be related to the
17 meaning of the standards. And if you can come
18 up with anything better, fine. But I think
19 these mean detailed plans for treatment which
20 will have them meet the water quality standards
21 have to be prepared.

22 And I would suggest we rework that
23 and we come in with a--if we are going to think
24 in terms of a progress meeting, and I don't want
25 to anticipate, and if we do and if we have it in

EXECUTIVE SESSION

six months, the States will come up with the cities and the industries, and as far as I am concerned if any historian or any one of the press wants to put that together and make a list, they are welcome. Right? I think that is the best way to handle that.

RECOMMENDATION #11

MR. STEIN: Now, 11:

"In addition to recommendations of this conference, the industries in the area"--

MR. OEMING: We ran through that with the municipalities, used the same statement, Mr. Chairman. Remember?

MR. STEIN: That is a conclusion.

MR. OEMING: You don't want to vote on that.

MR. STEIN: No, no, let's make that--

MR. POSTON: We put this in the conclusions.

MR. OEMING: That is in the conclusions.

EXECUTIVE SESSION

MR. STEIN: Yes. All right.

Now, I have one more thing to suggest.
You may want to do it here.

Freeman, we can take up your second point as a special point on that planning point now before we recess. That may be just as well.

MR. HOLMER: Yes.

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes, pardon me.

MR. OEMING: Go ahead, Freeman.

RECOMMENDATION #33

MR. HOLMER: "It is recommended that each water pollution control agency adopt policies encouraging unified collection systems serving contiguous urban areas where feasible."

MR. OEMING: Could we change that wording as we did in the other, "encourage" instead of "adopt policies"? Strike "adopt policies" and say "encourage unified."

MR. STEIN: And let some editor find a heading for that, like Regional Planning or

EXECUTIVE SESSION

1
2
3 Regional Systems or something of that type.
4 O. K.?

5 I think that is important enough
6 to be set out by itself. We will put that
7 under--oh, at the end, in one of the end
8 numbers. Make it 33 now for the time being.
9 We will switch the numbers later.

10 MR. POSTON: Mr. Chairman, I think
11 one of the advantages of this is to also foster
12 the elimination of septic tanks, and I wonder
13 if we could get that wording in there too.

14 MR. STEIN: Where is that?

15 MR. POSTON: Similar to our Recom-
16 mendation #15.

17 MR. HOLMER: Let's see, I had one on
18 these.

19 MR. SCHNEIDER: In other words, just
20 put this back in.

21 MR. POSTON: This #15 covers both of
22 them, 15 in the book.

23 MR. OEMING: Oh, in there.

24 MR. MILLER: I don't know why they
25 left that #15 out.

EXECUTIVE SESSION

1
2
3 MR. SCHNEIDER: Just forgot it, that's
4 all.

5 MR. MILLER: Well, we regrouped these
6 and then didn't put in any heading.

7 MR. STEIN: Here is what they had, and
8 maybe they combined it. Let's--again, we may be
9 getting off and it may be getting late.

10 In 15, and you may want to expand
11 yours, Freeman, they say:

12 "As a matter of policy, planning
13 provide for the maximum use of areawide sewerage
14 facilities"--and your language may be better--
15 "discourage the proliferation of small inefficient
16 treatment plants in contiguous urbanized areas,
17 and foster the elimination of septic tanks."

18 Do you want to add something on
19 septic tanks to the language we just adopted
20 for yours or not?

21 MR. HOLMER: No. On page four we
22 said something about it in our identification
23 of pollution, but we did not follow through
24 with a specific recommendation, for this reason:

25 The impact of septic tanks on Lake

EXECUTIVE SESSION

Michigan, per se, is relatively limited, and so we didn't. What I said on page four is, "There is, throughout the basin, extensive use of domestic sewage disposal by septic tank"--

MR. STEIN: Well, I am not--

MR. HOLMER: I think it is a simpler issue, in a sense, from metropolitan districts.

MR. STEIN: All right, if you don't want it in there, that is fine. O. K.

Mr. Poston, would you make a note for when we come back, if you want to bring up the septic tank issue we will do it.

MR. OEMING: I think, Mr. Chairman, one comment on this that I don't want to overlook here is that by following 15 you would get hold of some of these nutrients that escape you through the septic tank business. That is the only relationship I see that makes it a part.

MR. POSTON: Yes.

MR. STEIN: No, I am not suggesting that we eliminate the septic tank recommendation.

MR. OEMING: No.

MR. STEIN: What Mr. Holmer is

EXECUTIVE SESSION

suggesting, it doesn't fit with this areawide planning.

MR. OEMING: Yes.

MR. STEIN: And he would rather we take this up in another point.

MR. OEMING: Oh, all right.

MR. STEIN: I am just delaying consideration for it and not tacking it onto his proposal that we have adopted.

O. K.

Now--

MR. POSTON: Are we supposed to--

MR. POOLE: May I--

MR. STEIN: Wait a minute.

MR. POOLE: You are getting ready to adjourn, I guess.

MR. STEIN: Yes. We won't take any more points up, but we will hear everything that everyone has to say.

MR. POOLE: Well, I noted in the revised recommendations or in the printed recommendations there were three that dealt with oil. I think they were numbered 18, 19 and 20.

EXECUTIVE SESSION

1
2
3 And the revised recommendations touch it very
4 lightly, if at all, and I just wondered, I
5 think this may have been an oversight in Mr.
6 Poston's office, and I was going to suggest
7 that they might come back to us in the morning
8 with some suggestions for recommendations on
9 oil that might shorten things up tomorrow.

10 MR. STEIN: Rather than answer that,
11 come back with a report. O. K.?

12 Are there any other comments or ques-
13 tions?

14 MR. SCHNEIDER: What are we supposed
15 to do with this municipal, now?

16 MR. POSTON: Septic tank.

17 MR. STEIN: You raise that in another
18 point. Put it in the form of a recommendation
19 to put in.

20 MR. KLASSEN: No night session?

21 MR. STEIN: Now, before we go off,
22 tomorrow's meeting will be at 8:30, but a change
23 of place. The Crystal Room. I think it is on
24 this floor in one of these rooms.

25 MR. COOK: Right next door.

EXECUTIVE SESSION

MR. STEIN: We stand recessed until
8:30 tomorrow morning, Crystal Room.

(Whereupon, at 5:05 p.m., an adjourn-
ment was taken until 8:30 a.m. the following
morning.)

- - -

EXECUTIVE SESSION

MORNING SESSION, MARCH 8, 1968

(8:30 a.m.)

MR. STEIN: We will convene.

We are on page 2, old 11, now 12,
Federal installations.

RECOMMENDATION #12

MR. STEIN: Let's go.

"Federal installations in the basin provide degree of treatment at least as good as that recommended herein for other comparable waste sources; and, specifically, that the Great Lakes Naval Training Center and Fort Sheridan provide advanced waste treatment to achieve an effluent containing not more than 20 ppm of 5-day BOD and not more than 1 ppm of elemental phosphorus. Disinfection to be accomplished by December 1969, and treatment facilities to be constructed by December 1972."

My suggestion on this is that we have a greater degree of specificity that

EXECUTIVE SESSION

1
2
3 we are asking for from the Federal people than
4 we did with the State people. In looking this
5 over this morning in the clear light of day,
6 I hope, I looked up at the 10 above and I think
7 that might be that "detailed action plans for
8 adequate treatment of all industrial wastes be
9 developed within 6 months." I am not talking
10 about the time or anything. That may be the
11 approach and cut through these lists and deal
12 with something we have done before.

13 If we are thinking--I hope we will
14 be--in terms of periodic progress meetings,
15 which is what we are going to have to do in
16 order to move this ahead and check on and
17 let people know we are making progress,
18 during the first progress meeting or two,
19 the States will 1) develop a list of in-
20 dustries and cities indicating the degree
21 of treatment they are going to ask from
22 those cities and industries, 2) we will
23 also do that with the Federal installations,
24 3) draw up the schedule we are going to have,
25 and 4) determine the status of the progress.
In other words, I think this is not

EXECUTIVE SESSION

1
2 something in conflict. I think all you States
3 have done this before and this would be possibly
4 the way of handling this.

5 Is this agreeable?

6 MR. OEMING: Mr. Chairman, I think
7 generally it is agreeable. I would like to
8 just clarify a point or two. You are expecting--
9 this is the State program, what the State is
10 requesting of industry and municipalities?

11 MR. STEIN: Yes.

12 MR. OEMING: Not their plans as such?

13 MR. STEIN: No, not the--

14 MR. OEMING: O. K.

15 MR. STEIN: It is the kind of report,
16 and again I don't want to flag or say too much,
17 but the kind of report that Mr. Klassen, Mr.
18 Poole and you have given us in varying--I don't
19 think Wisconsin has been involved in as complex
20 a case where we had as many cities, but this
21 would be very comparable to the report that
22 you have got.

23 Now, particularly with, I think--let
24 me give you this because maybe this is the kind
25

EXECUTIVE SESSION

1
2 of operation we have had. I think Mr. Klassen
3 has given us some excellent reports on cities,
4 as you have, and I think Perry Miller and
5 Blucher Poole have developed as good a format
6 as I have seen in industrial waste reporting
7 for this purpose. And if you would look at the
8 reports that they have given on the lower end
9 of Lake Michigan, this would be fine. In other
10 words, then we would know what each city and
11 what each industry was going to do. Every time
12 we came out with a list the list would be up to
13 snuff, and it would be a list put in by the
14 States and we put in the Federal list. If we
15 have any questions on your list, we would have
16 it here; you would check with us. Secondly,
17 as we were developing this, when we came to
18 the meetings I hope we would have an exchange
19 of information so we would get all the ideas in
20 and then be able to go ahead.

21 MR. OEMING: That is understood.

22 MR. STEIN: All right.

23 MR. OEMING: The other question I have
24 is that when you said from all industries, all
25

EXECUTIVE SESSION

1
2 municipalities and the Federal establishments.
3 Now, this still refers to those that we consider
4 have an impact on the lake.

5 MR. STEIN: Right, covered by the
6 case. Now, I think, again, there may be a
7 question about any single industry or any
8 single city, but this should be worked out
9 on the staff and if there is the question,
10 we will zero in on this at a progress meeting.
11 In other words, something like #10 or a variant
12 of that will apply to the cities that we have
13 on the industries, but this will apply to
14 what we did with 1 and 2, this will apply to
15 Federal installations and it will apply to
16 industry. All right? And we will straighten
17 that up with the next number.

18 MR. OEMING: One more, Mr. Chairman.
19 I don't want to take too much time.

20 MR. STEIN: All right.

21 MR. OEMING: But I want to be sure we
22 understand each other, and I think it would be
23 helpful. This is a suggestion.

24 That I don't believe we should come
25

EXECUTIVE SESSION

1
2 in with just a list that we think has an
3 impact on the lake. I would think that that
4 listing, however we produce it here, should show
5 whether the State considers this to have an
6 intrastate significance or not. Now, if you
7 want to make it that broad, we are willing to
8 go that far.

9 MR. POSTON: I think this is a good
10 point, Larry, and I think it is very good.

11 MR. STEIN: Yes.

12 MR. OEMING: Because now everybody
13 will understand each other, there won't be all
14 these questions, if you left somebody off, why
15 don't we talk about this one. Let's set it
16 all down and tell whether the State feels it
17 has intrastate or interstate significance.

18 MR. STEIN: Right. I don't want to
19 anticipate--the reason I am laying the ground-
20 work here, Larry, because I heard a few rumblings
21 from Mr. Klassen before when he talked about
22 dumping of dredgings. If we are going to have
23 an even-handed administration of the law, the
24 question that I am going to have to ask or
25

EXECUTIVE SESSION

1
2 anyone, I hope, would have to ask is, if you
3 are talking about dredging are we talking
4 about the same kind of interstate implications?
5 And if this doesn't have an interstate impli-
6 cation, why are we interested in that if we
7 are not interested with a city or an industry
8 that is putting in a lot more waste? You see?

9 So I am trying to cut across this
10 kind of thing and let the State do the report-
11 ing on that.

12 O. K.

13 MR. OEMING: Our wording, then, will
14 be developed and you will try to get that.

15 MR. STEIN: It will be very close
16 to this wording.

17 MR. OEMING: We will have to get that
18 by each industry, it will have to be--

19 MR. STEIN: By each city--

20 MR. OEMING: No. The way this reads
21 it sounds like each industry and each munici-
22 pality has to bring in a plan. What we are
23 saying is the States--

24 MR. STEIN: No, we will say, action
25

EXECUTIVE SESSION

plans will be developed by each State outlining--

MR. POSTON: The thought was that there would be industry reporting to you and then you would come back with a brief--

MR. STEIN: Yes.

MR. OEMING: Well, No. 1--let me clear this, now. I don't want to get off the track here. What you are asking the States to do is to look at their problems, their municipal-industrial problems, and come in and tell the Conferees here what their program is to correct them, not the industry's program yet, because in six months you can't do this.

MR. POSTON: That's right.

MR. OEMING: The procedures get involved here.

MR. STEIN: Yes.

MR. POSTON: This is not what--

MR. STEIN: This is right.

MR. OEMING: Just so we understand each other.

MR. POSTON: Yes. No question.

EXECUTIVE SESSION

1
2 anyone, I hope, would have to ask is, if you
3 are talking about dredging are we talking
4 about the same kind of interstate implications?
5 And if this doesn't have an interstate impli-
6 cation, why are we interested in that if we
7 are not interested with a city or an industry
8 that is putting in a lot more waste? You see?

9 So I am trying to cut across this
10 kind of thing and let the State do the report-
11 ing on that.

12 O. K.

13 MR. OEMING: Our wording, then, will
14 be developed and you will try to get that.

15 MR. STEIN: It will be very close
16 to this wording.

17 MR. OEMING: We will have to get that
18 by each industry, it will have to be--

19 MR. STEIN: By each city--

20 MR. OEMING: No. The way this reads
21 it sounds like each industry and each munici-
22 pality has to bring in a plan. What we are
23 saying is the States--

24 MR. STEIN: No, we will say, action
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: If you want to take
4 the time, we can do this. I would say within
5 six months each State water pollution control
6 agency shall identify the municipal and
7 industrial sources of wastes contributing
8 pollutants to the lake; shall indicate whether
9 they have an inter- or intrastate effect;
10 indicate their plans for abating such pollution
11 from these sources together with a timetable;
12 treatment facilities are to be constructed
13 not later than 1972, and that is about it.

14 And then we revise the list and I
15 guess continuous disinfection and the other
16 things all apply.

17 All right, if we--

18 Pardon me.

19 MR. MORTON: This is still Federal
20 installations you are referring to?

21 MR. STEIN: No, no, no, let me go
22 on to the next phase.

23 The Federal Government will provide
24 a comparable list for Federal installations.

25 MR. MORTON: The reason I raise the

EXECUTIVE SESSION

question is because of the dateline of December '72 and I don't think we can stand by on that score in view of the fact that we had special legislation passed by the State Legislature in October of 1967 which requires an earlier date for action.

MR. POOLE: As I understood the Chairman, this would apply to us and also that this list you will come in with will be more like the one you had in your water quality standard reports and then you may have a date after each specific installation?

MR. STEIN: That is correct.

MR. POOLE: And then we can come to a decision as to whether that longest date is too long or not, is the way I interpret what he has said.

MR. STEIN: That is correct.

MR. KLASSEN: In other words, Mr. Chairman, just to clarify this for Illinois, on #9 we are to submit, then, the list of industries that are involved? I asked yesterday that all of the industries be removed from

EXECUTIVE SESSION

the list if we are going to hold to the '72 date, because we have a shorter time.

MR. STEIN: No, we would expect each industry with its time--

MR. KLASSEN: Right.

MR. STEIN: --but if any industry came in with a time longer than 1972, I would expect that some very pointed questions would be asked by the Conferees.

MR. KLASSEN: All right.

MR. OEMING: But we have to justify it.

MR. STEIN: That is right.

May we go on then?

MR. SCHNEIDER: Did we get his question settled about the intrastate?

MR. STEIN: Yes, I indicated in that that the State would indicate whether it was intra- or interstate.

MR. SCHNEIDER: I see. So it will be a complete listing, then?

MR. OEMING: And it will include those that we consider adequate, now.

EXECUTIVE SESSION

MR. STEIN: Adequate, surely.

MR. SCHNEIDER: And it will also indicate whether it is intrastate or not.

MR. OEMING: That is right, yes.

MR. SCHNEIDER: O. K.

RECOMMENDATIONS #13 AND #14

MR. STEIN: Now let's go on with 12, which is now 13, we are on page 3.

"The Federal Water Pollution Control Administration meet with the Atomic Energy Commission and other interested parties to develop guidelines for pollution control from nuclear powerplants, with special attention given as to how radioactive wastes and heat discharges affect Lake Michigan and its tributaries. A report is to be given to the Conferees within six months."

Let me read the next one, too. Maybe we can take these both. I don't know why we have got two here.

"The Federal Water Pollution Control

EXECUTIVE SESSION

1
2 Administration and the State pollution control
3 agencies, in cooperation with power companies,
4 conduct a special study as to how thermal dis-
5 charges affect the aquatic environment of the
6 lake, especially as they might relate to en-
7 couraging undesirable growths of algae. Results
8 of the study are to be provided the Conferees
9 in one year."

10 Are there any comments on this?

11 MR. OEMING: Excuse me, go ahead,
12 Clarence.

13 MR. KLASSEN: Very definitely. And
14 on the first one, I don't know why the States
15 have been dealt out of--

16 MR. STEIN: That is right.

17 MR. KLASSEN: --this developing of
18 guidelines. The State of Illinois has a
19 legal responsibility--

20 MR. OEMING: Yes.

21 MR. KLASSEN: --under a radiation
22 protection act, and I don't know about the
23 rest of the States, but the State of Illinois
24 wants to be included in developing these
25

EXECUTIVE SESSION

1
2 guidelines.

3 MR. OEMING: Michigan does too.

4 MR. STEIN: That's why I read them
5 both together.

6 MR. SCHNEIDER: Wonderful.

7 MR. STEIN: That is why I said let's
8 take them both.

9 MR. OEMING: Since when did you get
10 so backward?

11 MR. STEIN: Wait a minute. Is that
12 your comment?

13 MR. KLASSEN: Yes, that is my comment.

14 MR. STEIN: Let's go, if we are going
15 to continue.

16 MR. OEMING: Mr. Chairman, the thing
17 that troubles me, I think, is that we are going
18 to have before us within the next two or three
19 months under our procedure statements of new
20 use on some of these plants.

21 MR. STEIN: Right.

22 MR. OEMING: And we have got to act
23 on them under our statute within 60 days. Now,
24 what do we do? I mean with this six months
25

EXECUTIVE SESSION

1
2 report and then some decisions to be made
3 here, how do we act on this?
4

5 MR. STEIN: Let me make this comment, again,
6 to cut through this. I am all in favor of
7 reports when we have to do a report. I think
8 Mr. McLean went home, didn't he? I went
9 through this temperature stuff when it came
10 up last time very thoroughly with our experts
11 in Washington, and I think the notion is
12 pretty clear, at least I feel competent to
13 give you this because it is not that complicated.

14 Here is what they say. That with the
15 thermocline in the lake--that is going down to
16 a strata where you can get relatively cool
17 water--the question of temperature control for
18 cooling water in the lake should not be a very
19 difficult one if we use the proper approach and
20 proper planning. Now, cooling towers are one
21 thing, but we sometimes get an esthetic reaction
22 to cooling towers and they are expensive. The
23 notion is that you can do this in a lake without
24 having cooling towers if you take your water
25 down at the proper strata and run it through.

EXECUTIVE SESSION

1
2
3 Their notion is, too, if you are
4 going to go without cooling towers and use
5 the cooler stratas of water and rely on mixing--
6 and I have been through this in various parts
7 of the lake with them--they say that you should
8 have a maximum rise of three degrees tempera-
9 ture within a 200-foot radius of the outfall.
10 And if you are going to use it for mixing,
11 you do this and you raise it up, it is not
12 going to work anyway because you need this.

13 Now, if we know this now and these
14 are the facts, I think we are on our way
15 toward a conclusion on thermal pollution
16 which may be very important to the lake.

17 They also agree that this will
18 materially affect the lake from heat damage and
19 deleterious effects on algal growth, and so
20 forth.

21 Now, are there any comments on that?
22 I don't know, if we are that far ahead, why
23 do we need a year's study?

24 MR. POSTON: I think if you are just
25 going to have 200 feet out there, that is one

EXECUTIVE SESSION

1
2 thing, but I question whether a billion
3 gallons of water a day pumped into one place
4 is going to dissipate 20 degrees of tempera-
5 ture in 200 feet.

6 MR. PURDY: This is my point, Wally,
7 that the last big reactor that I know about
8 will use about 2,000 cubic feet per second
9 of water for cooling purposes.. Now, 200 feet
10 out from the outlet you might just as well
11 say the outlet.

12 MR. POSTON: Yes.

13 MR. PURDY: This is nothing.

14 MR. SCHNEIDER: This is as big as
15 the flow from the Grand River.

16 MR. OEMING: Bigger.

17 MR. PURDY: This represents the
18 average flow from the Grand River. The fact
19 is a study is being made now to relate how
20 the flow from the Grand River and the heat
21 flow from the Grand River dissipated in Lake
22 Michigan, because the Grand River had roughly
23 a 20-degree temperature increment over that
24 of the lake naturally during certain periods
25

EXECUTIVE SESSION

1
2
3 of the year and its flow is about 2,000 cubic
4 feet per second. And some of the initial
5 studies indicate that you can find the Grand
6 River in Lake Michigan by temperature along
7 some 6 miles from the mouth.

8 So when we talk about 200 feet, it
9 is nothing.

10 MR. STEIN: Well, all right.

11 MR. POSTON: I would submit also
12 that in certain areas of the lake that it
13 isn't over 25, 35 feet deep where they will
14 take this out and the thermocline will be
15 below that.

16 MR. STEIN: Well, they can put a
17 pipe out then.

18 MR. POSTON: No, it is too far--

19 MR. OEMING: Mr. Chairman, without
20 getting into design details here, I think my
21 concern is whether or not these two recommen-
22 dations represent an obstacle that is sufficient
23 to await the results of these studies before
24 any development goes on.

25 MR. STEIN: Let me try to reframe

EXECUTIVE SESSION

1
2 it if you have these points on this stuff.
3 And again what we are going to be faced with,
4 and Mr. Oeming points out, is just that in
5 Michigan and Minnesota on the atomic energy
6 reactor there the people are faced right now
7 with the notion of whether they are going to
8 permit the discharge of the wastes or have
9 a closed system.

10 May I suggest this, to try to get
11 around this, that the States and the Depart-
12 ment of the Interior set up a special committee
13 on dealing with both nuclear discharge and the
14 thermal pollution aspects of powerplants and
15 reactors, that this group meet with the Atomic
16 Energy Commission and other interested parties
17 to develop, if possible, guidelines for pollu-
18 tion control from nuclear powerplants, and
19 this group pay special attention to thermal
20 discharges which affect the aquatic environment
21 of the lake. Now a representative of
22 the group or perhaps the State representative
23 of this group should be able to appear at any
24 hearing that comes up in any State and
25

EXECUTIVE SESSION

1
2 reflect the latest thinking of the group when
3 the hearing comes up within the next year.
4 I think if you are going to fool with this
5 on a case-by-case basis, we are going to
6 be faced with real hard questions of whether
7 we are going to have a closed system or an
8 open system and permit this material to run
9 back into the lake at all, or what kind of
10 thermal pollution we are going to have. Each
11 one is going to be a battle.

12 I would suggest that the four States
13 and the Department of the Interior get together
14 and that we have a relatively unified position
15 during the next year as we are hopefully
16 developing the guidelines.

17 MR. OEMING: Well, Mr. Chairman, I
18 think your suggestion is a good one, that is
19 to establish a committee that would be a very
20 active committee.

21 MR. STEIN: Yes.

22 MR. OEMING: It has got to be
23 active because we have impending right now
24 construction.
25

EXECUTIVE SESSION

MR. STEIN: Right.

MR. POSTON: Now, let's get at this in detail a little bit. Would you say that the FWPCA head this up and then each of the States provide a man for this committee?

MR. STEIN: We would do that. I would suggest when we come back next Tuesday we all have nominees, and this committee be active for discussions with the AEC to develop guidelines, discussions among themselves as to what studies are needed, and mutual discussions so they can get you the latest information reflecting all the views for any decisions or hearings you may have during the next year. At the first progress meeting they should at least give us a report as to what they found and how long it is going to take them before they are going to be able to come up with relatively definitive suggestions or recommendations to the Conferees.

MR. OEMING: This would be helpful to me.

MR. STEIN: All right.

EXECUTIVE SESSION

1
2
3 MR. OEMING: I don't know how the
4 rest of them feel.

5 MR. STEIN: If this is agreeable,
6 we will try to get a knowledgeable man and
7 you put one on. I suspect that given the
8 contacts we have to make and the travel and
9 the money involved, it might be best if a
10 Federal man were chairman, although I don't
11 object if a State man is chairman.

12 MR. OEMING: No, I--

13 MR. STEIN: That is just a chore.

14 MR. KLASSEN: How is this going to
15 fit in with Senator Muskie's committee and
16 his investigations and hearings?

17 MR. OEMING: He is on another tack, it
18 seems to me, Clarence--

19 MR. STEIN: Yes.

20 MR. OEMING: --on the statutory powers
21 of the AEC, and so on.

22 MR. STEIN: Yes.

23 MR. OEMING: What we are trying to
24 do here is resolve the questions now that are
25 immediate to the States--

EXECUTIVE SESSION

1
2 MR. STEIN: Yes. Here, let's go--
3 pardon me.

4 MR. OEMING: --and to get some sense
5 here so when a State comes back and says we
6 are going to require so-and-so, there is some
7 assurance that everybody is agreed that this
8 is all right.

9 MR. KLASSEN: Today.

10 MR. OEMING: This is what I am talking
11 about, today.

12 MR. STEIN: Let's go off the record.

13 (Off the record.)

14 MR. STEIN: To get back on the record,
15 I think our view as pollution control agencies
16 is broader than that. We know we are interested
17 in both thermal pollution and the nuclear dis-
18 charge. For us, we don't have that problem.
19 In other words, you are going to consider both
20 aspects in any plant.

21 MR. KLASSEN: This brings my next
22 question. On these hearings that you are
23 talking about, which, of course, are all right to
24 get at the issues, is this going to be limited
25

EXECUTIVE SESSION

1
2 to thermal pollution or are we going to get into
3 nuclear?

4 MR. STEIN: Nuclear.

5 MR. OEMING: Yes.

6 MR. STEIN: I hope so. This is a
7 State hearing. Wait a moment, now, Clarence.
8 The hearings I was talking about are State
9 hearings and you set the rules for those. What
10 I was suggesting is that this committee would
11 be valuable in bringing the latest material and
12 evidence to you.

13 We are not setting the rules for those
14 hearings. Presumably when any plant comes in to
15 you, into the State of Illinois, whether it is
16 a nuclear reactor or any other one, and they
17 are going to discharge a waste, they are going
18 to have to get a permit from you. If you want
19 to hold a hearing, this committee will be avail-
20 able to give you the information.

21 But you are setting the rules in the
22 hearing in Illinois, not us.

23 MR. KLASSEN: O. K., that is all I
24 want to know.
25

EXECUTIVE SESSION

MR. STEIN: All right.

MR. OEMING: That is the way I look
at it.

MR. KLASSEN: That will take care
of that.

MR. STEIN: Right.

MR. OEMING: We are agreed on that
now.

MR. STEIN: Yes.

RECOMMENDATION #15

MR. STEIN: Fifteen, dredging. Here
we go. If we get by this, we will make it.

"Dumping of polluted dredgings into
Lake Michigan basin waters be prohibited. All
dredgings are to be considered polluted unless
the Department of the Interior and the States
involved certify otherwise."

MR. KLASSEN: Two questions.

MR. STEIN: Yes, sir.

MR. KLASSEN: "Be prohibited": one,
by whom? Second question, does this supersede

EXECUTIVE SESSION

1
2 the agreement between the Corps of Engineers
3 and the Department of the Interior?

4 MR. STEIN: Well, here, I will answer
5 your first question first because I think I can
6 answer that.

7 As far as I know, the Corps of Engineers
8 has statutory authority to do this dredging, and
9 as a consequence to dispose of the dredgings.

10 As far as I know, that is a Federal
11 function. I don't think that the State has
12 any power to prohibit them. We certainly in
13 the Department of the Interior don't. The
14 only one that can govern the Federal dredging
15 of the Corps of Engineers is the Congress that
16 puts out the law, and anything else you are
17 going to say on that might be rhetoric, but those
18 are the facts.

19 O. K.

20 Now, I do not think that we are here
21 to supersede the agreement between the Depart-
22 ment of the Interior, at least the Federal
23 people aren't, and the Corps of Engineers. If
24 we were, we would be exceeding our authority.
25

EXECUTIVE SESSION

1
2 This agreement was made at the Secretarial
3 level, and I don't think it is for us to even
4 consider that.

5 MR. KLASSEN: In other words, this
6 is a policy type of recommendation by these
7 Conferees, what we are saying here.

8 The other question I asked is,
9 according to my interpretation of this, this
10 "certify otherwise", in other words it would
11 take "all dredgings are considered polluted
12 unless the Department of the Interior and the
13 States of Michigan, Wisconsin, Illinois and
14 Indiana, the five, certify otherwise"?

15 MR. STEIN: No, I--

16 MR. KLASSEN: That is the way you
17 read it.

18 MR. STEIN: That is the way I read it.
19 You know, I saw a preliminary draft of this--
20 and again I ask you, Clarence, if we are going
21 to finish by noon, let's try to be very lenient
22 on this drafting.

23 I think what they meant, the way I think
24 it would have to be to make sense, that the
25

EXECUTIVE SESSION

1
2 appropriate State and the State involved, was it.
3 I don't know that you can put it "all dredgings
4 be considered polluted," but "dumping of polluted
5 dredgings into Lake Michigan waters be prohibited,"
6 if you want to make that as a policy statement,
7 and that the Corps of Engineers is to have the
8 advice of the appropriate State and the Depart-
9 ment of the Interior as to the pollutorial
10 character of any dredgings. But I would not
11 imagine that we would go around for the other
12 three States if someone wanted to put something
13 in Illinois waters.

14 MR. KLASSEN: That is what this state-
15 ment says.

16 MR. STEIN: Yes, it does, but I don't
17 think it was meant that way.

18 MR. KLASSEN: It is going to be redrafted
19 for consideration?

20 MR. STEIN: Yes.

21 MR. KLASSEN: O. K., I will wait for
22 the redraft, then.

23 MR. STEIN: Are there any other comments?

24 MR. OEMING: Yes.
25

EXECUTIVE SESSION

MR. MITCHELL: Yes.

MR. OEMING: Go ahead, Mr. Mitchell.

MR. MITCHELL: You made one statement that if carried a little bit farther doesn't seem to be quite correct in my thinking, that the Corps of Engineers has a right to dump polluted dredging without worrying about any other agency's obligations and responsibilities under the law, was what you said, or at least could be inferred from what you said. I am sure that that is not what you meant, is it?

MR. STEIN: No, I don't think I said that. The key question that--and I think Mr. Klassen was asking a key question here--the key question was prohibited by whom, who has the active statutory authority. I was just directing myself to that as a legal operation.

Now, we have, and we go before the same committee of the Congress, worked with the Corps of Engineers for years. The Corps of Engineers is very sensitive to that, and they don't operate without taking other agencies or States views into consideration.

EXECUTIVE SESSION

1
2 The only thing we are talking in
3 terms of was the question of the bare legal
4 power. And I answered this. That is how I
5 answered Mr. Klassen.

6 But I fully agree with you that we
7 have to work this out, and the Corps has been
8 responsive to that as far as I can see, very
9 responsive to that, in the disposal of the
10 dredgings in this area.

11 MR. KLASSEN: I also think, Mr.
12 Chairman, the fact that we don't object to
13 your statement doesn't necessarily mean that
14 we agree with it, because in the State of
15 Illinois we don't think that the Corps of
16 Engineers can dump anything in the waters
17 in Illinois without a permit from the State
18 of Illinois. So this is your interpretation,
19 and I don't say it is incorrect or not, but
20 I just want this on the record.

21 MR. STEIN: Right. Well, I think,
22 Mr. Klassen, this is true. I hope we can solve
23 this question by avoiding this, because this
24 has been--not just in this area--this has been
25

EXECUTIVE SESSION

1
2 on the record for many,many times. We have had
3 States when I worked for the Public Health
4 Service that said we couldn't send a doctor
5 in there to practice unless he was licensed
6 in that State, and they firmly believed that.
7 I don't think they ever sustained it.

8 But this is not the kind of productive
9 Federal-States rights issue to resolve a question
10 on. I think we can work this out.

11 Now, I have several questions to ask--

12 MR. OEMING: You were going to
13 recognize me.

14 MR. STEIN: Yes, sir.

15 MR. OEMING: Mr. Chairman and members
16 of the conference, I think I am a little concerned
17 about what we are talking about in the way of
18 implementation, the effective date here.

19 MR. STEIN: That is right.

20 MR. OEMING: I was impressed with
21 the presentation made by the Corps. If we
22 were accepting presentations from others, we
23 would say this was a good proposal, a program
24 proposal to take care of this matter. And as I
25

EXECUTIVE SESSION

1
2 understand it, the Corps of Engineers proposes
3 to have a report ready by December of this
4 year, at which time they will have some firm
5 recommendations to make as to how they are going
6 to handle this dredging problem.

7 Are we saying here that we are washing
8 this whole thing out and saying immediately we
9 will not go for any more dredgings?

10 MR. STEIN: That is the question I
11 was going to ask. If we are giving the cities
12 a deadline and the industries a time schedule,
13 as we have to do with everyone, I think we have
14 to afford the Corps the same operation.

15 Now, may I make this suggestion on
16 dredging? It is not a simple one. I think
17 the Corps is moving ahead.

18 Can we ask the Corps to do what we
19 are asking the States and the Federal Government
20 with the other installations to do? At the
21 first progress meeting in six months - and the
22 Corps, we know, is working on this very hard -
23 we will ask them to make a presentation to the
24 Conferees on their program of dredging and
25

EXECUTIVE SESSION

1
2 dumping in Lake Michigan. We then will have
3 and the Conferees will have an opportunity to
4 deal with that in detail, you make your
5 determination whether you have some recommen-
6 dations or you can do it.
7

8 As far as I can see, gentlemen, it is
9 the same kind of thing we are doing with the
10 States and their industries and their cities, and
11 I think the Corps is entitled to exactly the
12 same consideration.

13 MR. OEMING: This, then, would mean
14 to me, Mr. Chairman, that "dumping of dredgings
15 into Lake Michigan waters be prohibited" would
16 have to be modified to some extent, then.

17 MR. STEIN: We wouldn't come to that
18 now.

19 MR. OEMING: Yes.

20 MR. STEIN: In other words, the answer
21 would be here, analogous to one of the others,
22 that the Corps at the first six months progress
23 meeting will give us a detailed report on their
24 policies and what they are going to do about
25 dredging in the lake.

EXECUTIVE SESSION

Yes.

MR. KLASSEN: I can't buy that open
end--

MR. STEIN: All right.

MR. KLASSEN: --blank check type of
thing, to hear in six months what the Corps
policies are. I think it is our responsibility
to lay down what we as Conferees think the
Corps policies ought to be and let them work
in our ball park instead of our working in theirs.

MR. STEIN: What do you think, that
dumping of polluted--

MR. KLASSEN: Give them six months
to come in with a progress report, but tell
them what we would like to see them do.

MR. OEMING: The objective being to
ultimately get rid of--

MR. KLASSEN: The objective.

MR. STEIN: All right. Now, is this
sufficient as a target objective for you in 15,
considering the modification of the second sen-
tence that we talked about? Is this O. K.?

EXECUTIVE SESSION

MR. KLASSEN: What is the modification?

MR. STEIN: The modification is that the pollutional characteristics of the dredgings will be considered in--rather, the Corps will consult with the appropriate State and the Department of the Interior as to the pollutional characteristics of the dredgings.

MR. KLASSEN: Well, that is pretty fuzzy, they are going to consult.

What we are concerned with, under Illinois law we can prohibit anything going into the lake that is going to be, let's say, detrimental to the Chicago water supply. At the present time it is questionable whether we could prevent the Corps from taking dredgings from Indiana and dumping it out there. This right now is my concern. We don't want this to take place while they are making this report.

MR. POOLE: Well, I think I could answer that one.

We have got an understanding with the Corps that there will be no dredgings from the Indiana Harbor Canal in 1968 disposed of in the

EXECUTIVE SESSION

lake. So the six months thing I don't think will be in effect or in that specific a problem.

MR. STEIN: Mr. Mitchell

MR. MITCHELL: Gen. Tarbox's statement indicates, Mr. Klassen, that the Corps plans on placing no polluted dredged material in Lake Michigan from Calumet and Indiana Harbors during calendar year 1968.

MR. KLASSEN: Let me ask an official question of the Federal Water Pollution Control Administration. What is your current agreement, if any, with the Corps of Engineers on this subject?

MR. STEIN: Mr. Poston?

MR. KLASSEN: Written or verbal.

MR. POSTON: At this time the Corps of Engineers have divided all of the dredging areas in Lake Michigan that they think might require dredging, and they have separated them into areas that are considered to be nonpollutional dredgings, and areas that have polluted materials, and they have gone to the local agencies and to the States and asked for land locations where they can discharge this

EXECUTIVE SESSION

1 dredged material on land. And at some of these
2 p l a c e s the polluted dredged materials will
3 be put on land. This is the second classi-
4 fication.
5

6 The third classification is polluted
7 dredged materials as to where they think they
8 are going to have to dredge, and we have indi-
9 cated to them that they are polluted dredged
10 materials and our recommendations have been
11 that they should not be dumped in the lake.
12

13 MR. STEIN: Mr. Morton.

14 MR. POSTON: Col. Barnes is here. I
15 think--

16 MR. STEIN: Wait.

17 Do you have a question?

18 MR. MORTON: No.

19 MR. POSTON: He might want to comment
20 on that.

21 Is that about the status?

22 COL. BARNES: There is one category
23 I think you have left out, and that was the
24 category where the material was polluted where
25 it was essential to the economy as determined

EXECUTIVE SESSION

1
2 by the Governor of the State that that--or by
3 the State, rather, local people, that the
4 harbor had to be dredged and we had no place
5 to put it.

6 Now, we have recognized the problems
7 in the Chicago area and are going to stick by
8 what we have previously said we are going to do
9 in this area.

10 MR. POSTON: Well, I referred to this
11 as the third category, the last category, and
12 we have not given any approval on that.

13 COL. BARNES: I know you have not.
14 But that still--O.K.

15 MR. KLASSEN: I think this is important,
16 Colonel. You said the Governor or the State or
17 the local people, and then stick by what you
18 stated for the Chicago area. Could you restate
19 what you stated for the Chicago area? I would
20 like to know this.

21 COL. BARNES: We have no plans to
22 dump any polluted materials in Lake Michigan into
23 the Chicago area, either in Indiana waters or
24 in Illinois waters.
25

EXECUTIVE SESSION

MR. KLASSEN: Over what period?

COL. BARNES: In '68. Beyond that we don't know yet. But we will probably have the results of our pilot program by then and can better judge what we are going to do in '69.

MR. KLASSEN: O. K.

MR. STEIN: Are we satisfied?

MR. POSTON: Mr. Klassen, I think there is some rock excavation in the Calumet Harbor that is to be dredged.

MR. STEIN: Yes.

MR. POSTON: Removed.

MR. STEIN: Gen. Tarbox spoke about that at the last meeting.

MR. POSTON: Right.

MR. STEIN: Did you hear that?

MR. KLASSEN: Yes.

MR. STEIN: But they consider that nonpollutional.

MR. MORTON: You mentioned Calumet Harbor. By that do you mean Calumet Harbor in Illinois or Calumet Harbor in Indiana?

MR. STEIN: I think he meant Illinois.

EXECUTIVE SESSION

MR. POSTON: I t he meant Illinois.

MR. STEIN: You never like to paraphrase anyone else, but as I recall what Gen. Tarbox said, there were a couple of rock outcroppings that he is shaving off and getting in and these are relatively innocuous. But other than that, no material is being dumped, as far as I understand, won't be dumped for this year, and that is as far as the Corps program is going.

So I think we can adopt this procedure and get the report from the Corps, and during the interim time you are not going to have your water supply endangered because nothing is going in. O. K.?

RECOMMENDATION #16

MR. STEIN: Let us move on to 16, watercraft.

"The four States adopt uniform requirements controlling the discharge of wastes from watercraft. It is further

EXECUTIVE SESSION

recommended that all marinas and other installations serving watercraft be required to provide the proper disposal facilities. This recommendation shall take effect by March 1969."

MR. POOLE: Mr. Chairman.

MR. STEIN: Yes.

MR. POOLE: I am in sympathy with the first two sentences of the recommendation. The Indiana Boating Law specifically exempts Lake Michigan from our boating requirement. Now, our legislature doesn't meet until January 1969 and it adjourns from about the 10th until about the middle of March.

So here is Poole again raising this question of dates, but we just can't make that date.

MR. STEIN: What date do you want?

MR. POOLE: We need an authorization from the Governor to recommend amendments to the Indiana Boating Law, and this will be done. We are going to recommend it to the appropriate committee next Wednesday. But we can't comply

EXECUTIVE SESSION

1
2
3 with the sense of this recommendation.

4 MR. STEIN: How would you change
5 it? What amendment would you suggest?

6 MR. MITCHELL: I don't think that
7 this committee ought to tell a legislature
8 that they have to pass the law. You might
9 require the States to propose such legis-
10 lation.

11 MR. STEIN: Yes.

12 MR. MITCHELL: And we can propose
13 it come Wednesday morning.

14 MR. STEIN: Well, I would agree
15 with you, because this is going to come up
16 again.

17 Well, shall we say that the first
18 two sentences are a policy operation and that
19 the four State water pollution control agencies
20 make appropriate legislative recommendations
21 either to their--I don't know how you do it--
22 either to the Governor or the legislature.
23
24
25

EXECUTIVE SESSION

O. K.?

MR. OEMING: Well, it could be the other way, Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: You could say that the States take such steps as are necessary to control the discharge from watercraft and to see that the marinas are provided with facilities to take care.

MR. STEIN: Here is what we are getting at, and we listened to these people. I think there is a point on this uniformity on your lake.

MR. OEMING: Oh, yes, uniformity.

MR. STEIN: The boaters say, you know, they take a boat from one State to another and they are on the lake, and I think for the ease of all administration we would be--

MR. OEMING: Put "uniform" in there.

MR. STEIN: Yes.

MR. OEMING: O. K. But my point, Mr. Chairman, is that it may not be necessary

EXECUTIVE SESSION

1
2 to require by statute the marinas to do this.

3 Now, we are not in Michigan. We are
4 meeting with the marinas. They will provide
5 the facilities, there isn't any question about
6 it, and whatever you say you are going to re-
7 quire.

8 I think whatever steps are necessary
9 to get it, whether it is by statute or by--

10 MR. STEIN: I understand what you
11 mean. The difficulty that Mr. Poole has is
12 this. You take the first two sentences: you
13 may not have to do it by statute; they do. The
14 point is, if he has to do it by statute and we
15 impose a date on him, we can easily set a date
16 when we do this by administrative order, but
17 how do you do that with a legislature, Larry?

18 MR. OEMING: Yes. Well, I was getting
19 off the legislative kick onto being required to
20 take whatever steps are necessary, whether it
21 is statutory--

22 MR. STEIN: How would you do this?
23 Would you strike the last sentence?

24 MR. OEMING: No. That is, "It is
25

EXECUTIVE SESSION

1
2 further recommended that the States take
3 whatever measures are necessary to assure
4 that marinas provide"--

5 MR. STEIN: No, no, "This recommen-
6 dation shall take effect by"--

7 MR. OEMING: Oh, the "take effect"
8 thing? Well, this they have got to iron out.
9 Ours is taken care of. I don't have any problem
10 there.

11 MR. POOLE: I am not quibbling.
12 The quicker it can take effect the better
13 I will be pleased, except I--

14 MR. OEMING: I would like to see
15 1970, as far as we are concerned, because that
16 is what our regulation says now.

17 MR. KLASSEN: Mr. Chairman, may I
18 make a suggestion?

19 MR. STEIN: Yes.

20 MR. KLASSEN: That they immediately--
21 and I am implementing the first sentence--
22 immediately the four States get together to
23 see if we can--and I think we can--come up with
24 some uniform regulations, and I am saying
25

EXECUTIVE SESSION

1
2 regulations in the broad sense, so that all four
3 States have the same regulations.

4 MR. STEIN: Yes. How about that?

5 Let's try this, that the four States
6 get together. And I think the important thing
7 here really is uniformity.

8 MR. OEMING: I think so.

9 MR. STEIN: The four States get
10 together coming up with uniform regulations.

11 How long would this take, six months,
12 do you think, to do this?

13 MR. KLASSEN: Oh, no, no, no. I think
14 we could do it in the next 30 days.

15 MR. STEIN: All right, within the
16 next 30 days. Is this reasonable?

17 MR. POOLE: No, my calendar is full
18 the next 30 days except for next Tuesday.

19 MR. STEIN: Yes, I know. Well, I
20 hope not next Tuesday.

21 All right, we will give you 60 days.
22 But why don't you come up in the next 60 days
23 with uniform requirements?

24 Now, at the end of those 60 days,
25

EXECUTIVE SESSION

1
2 would you in addition to coming up with the
3 uniform requirements on this--how about Illinois,
4 since you are so far advanced, taking the
5 chairmanship of this and let's have a--you
6 don't want it?

7 MR. KLASSEN: Oh, yes, yes. Modesty
8 isn't one of our virtues.

9 MR. STEIN: I know that. All right.

10 (Laughter.)

11 MR. POSTON: Is the--

12 MR. STEIN: And the Federal people
13 will be there with you, I hope--

14 MR. KLASSEN: Well, don't leave this
15 yet, Mr. Chairman.

16 MR. POOLE: We are not going to.

17 MR. STEIN: Wait. Wait.

18 MR. KLASSEN: The next thing, the
19 Federal people be there to tell us what the
20 Federal Government is doing on interstate
21 traffic.

22 MR. STEIN: Yes. They can say that
23 real fast.

24 MR. KLASSEN: O. K.
25

EXECUTIVE SESSION

(Laughter.)

MR. STEIN: Yes.

MR. POSTON: Go ahead.

MR. POOLE: I don't want you to depart too far here from sentences 1 and 2 of Recommendation 15, now, by just rubbing all that out and saying the States get together--

MR. STEIN: No, no, no, no.

MR. POOLE: --and unify a program.

MR. STEIN: No, no, no, no.

MR. POOLE: That is the first thing.

The second thing is that you can't participate in it as one State representative. I want to propose that we turn around and recommend the same damned thing to you as far as commercial vessels are concerned as we are recommending to the States on this general watercraft thing, because I am firmly convinced that the only feasible and practicable way to control commercial vessels is through the Federal establishment.

MR. OEMING: Amen.

EXECUTIVE SESSION

1
2 MR. STEIN: All right. Now, if
3 all the States agree with that, this is--I am
4 not sure you do.

5 MR. OEMING: I do.

6 MR. STEIN: I haven't heard from
7 Wisconsin.

8 MR. KLASSEN: Not only agree, but--

9 MR. HOLMER: I beg your pardon?

10 MR. STEIN: Do you agree with these
11 other three States that the Federal Government
12 should try to assume the regulation of commercial
13 vessels?

14 MR. OEMING: Vessels in interstate
15 commerce is what we are talking about, commercial,
16 cargo carriers.

17 MR. STEIN: Do you want to put that
18 in here?

19 MR. POOLE: I thought we discussed
20 this earlier as to whether or not that you as
21 Federal Conferees can be involved in a recom-
22 mendation that involves Federal legislation.

23 MR. STEIN: No, but we--

24 MR. POOLE: And if you can't--
25

EXECUTIVE SESSION

Yes, I want to put it in as one of the recommendations of the four State Conferees.

MR. STEIN: Right. All right.

You can put this in, "Commensurate requirements controlling the discharge of wastes from commercial vessels be adopted by the Federal Government." And I don't know that you have to put this in terms of legislation. Maybe we can do-- Now, we can say that within 60 days the States and the Federal Government will report on what our program is to do it. Now, you can either do this by regulation or by seeking legislation or something of that kind.

Let me again give you the problem that we have in the Federal level with this. One, this has to be legislation and getting a bill through the Congress. Secondly, it is relatively easy to control an American boat or an American ship, but what we are dealing with on the Federal level--and, Mr. Poole, you know I have been working for this every time I try at this-- what you are dealing with on the Federal level is you are dealing with foreign boats, and we

EXECUTIVE SESSION

1
2
3 always have this battle with the merchant
4 marine, any time you begin getting strin-
5 gent on American flag vessels for whatever
6 reason, waste disposal, sanitary facilities,
7 safety facilities, you suddenly find a
8 fleeing of the registry from the United
9 States registry to another registry, and
10 you wonder what you have accomplished.
11 And then you may be thrown back on the
12 notion that the only way you are going to
13 get this is by treaty, and this is a very,
14 very involved question for us.

15 MR. POOLE: I understand that. But
16 I don't want the four States here to come up
17 with legislation and have to follow through
18 and in addition to the City of Chicago having
19 a representative over on the St. Lawrence
20 Seaway to catch the boats that are coming into
21 the Port of Chicago for the States of Indiana
22 and Michigan and Illinois and Wisconsin to have
23 representatives sitting over there to catch
24 them that happen to be coming in. This is
25 why I say that regardless of the complications--

EXECUTIVE SESSION

1
2 MR. STEIN: All right.

3 MR. OEMING: This is as--

4 MR. POSTON: Mr. Chairman, the
5 Recommendation #15 on watercraft is intended
6 to imply that the type of ordinance or regu-
7 lations would eliminate anything but holding
8 tanks or incinerators, some type of treatment
9 or holding that would eliminate discharge to
10 the lake. And I wanted to make sure whether
11 everybody else understood this.

12 MR. STEIN: Well, that is Recommendation
13 #16, and if it implies that I don't read it in that
14 at all.

15 MR. OEMING: It has got to be restated.

16 MR. STEIN: What is in here that would
17 give us even the glimmer of that indication?

18 MR. POSTON: The fact that we require
19 land facilities was the--

20 MR. OEMING: I think it needs to be
21 restated if that is what you mean.

22 MR. STEIN: No. If you mean that,
23 and I don't know that the Conferees want to
24 come to that judgment now, I would like the
25

EXECUTIVE SESSION

1
2
3 Conferees of the States, and this was the
4 point of that two-month meeting that Mr.
5 Klassen points out, I would like the States
6 to get together when you talk about uniform
7 requirements and see if you can meet this
8 issue. But I don't read the implication in
9 here.

10 MR. OEMING: Mr. Chairman, apropos
11 of all this, I just want to report here that
12 at the conference Michigan stated that it would
13 have regulations in effect by June of '68.
14 The regulation has now been adopted, and we
15 may be a little bit before the fact here, I
16 don't know what this means, what this implies
17 in the way of a change in our regulations, but
18 I just want to throw this out so that we--

19 And we are adopting what Wally Poston
20 has said, no discharges overside from--well,
21 except at the present time we have excepted
22 macerator chlorinators. This is what you are
23 even--

24 MR. KLASSEN: You have excepted not
25 accepted?

EXECUTIVE SESSION

MR. OEMING: We have not accepted.

MR. KLASSEN: You have not accepted.

MR. OEMING: They will not be approved
as of now.

MR. KLASSEN: In other words, what
you are saying, and I think this is something--
I know there are a lot of boating people here
that have been waiting for these Conferees to
come up with something. As I understand
Michigan's position, you favor the so-called
model boating ordinance without approval of
the macerator chlorinator?

MR. OEMING: That is correct.

MR. KLASSEN: So do we.

MR. POSTON: Without discharge overside?

MR. KLASSEN: Without discharge overside.

MR. POOLE: I think so do we, except that
I don't know what is going to be available five
years from now, and--

MR. KLASSEN: That is right. That is
right, neither do we.

MR. STEIN: How about, are you the
same way?

EXECUTIVE SESSION

1
2 MR. OEMING: Yes.

3 MR. STEIN: I don't know that--

4 MR. KLASSEN: The model act leaves
5
6 it open.

7 MR. STEIN: Yes.

8 MR. KLASSEN: This is why, Mr. Chairman,
9 I don't think this is going to take long for us
10 to get together.

11 MR. STEIN: Right.

12 MR. KLASSEN: Because I think all
13 the States--I don't want to speak for all of
14 them--but are pretty much in agreement that
15 sometime in the future there may be some approved
16 methods--

17 MR. STEIN: Yes.

18 MR. KLASSEN: --but right now there is
19 not, and the macerator chlorinator that has been
20 promoted by the boating people is not acceptable
21 to the four States.

22 MR. STEIN: Right.

23 MR. KLASSEN: I think this is something
24 that they ought to know.

25 MR. STEIN: This is true for Wisconsin,

EXECUTIVE SESSION

1
2 isn't it, sir?

3 MR. HOLMER: Yes.

4 MR. STEIN: Yes. Well, as I under-
5 stand it--and here is why I don't know whether
6 you want to adopt the principle--as I read that
7 model ordinance and read your approach, you are
8 given several options. One, in the future if
9 you believe that something is developed you can
10 exercise it.

11 MR. OEMING: Yes.

12 MR. STEIN: As of now you have not
13 adopted any option except the holding tank.

14 MR. KLASSEN: That is correct.

15 MR. STEIN: But your law and your
16 regulation permits you to adopt another option
17 if and when a device comes in.

18 MR. OEMING: Right.

19 MR. STEIN: Now, I think possibly
20 we should leave it that way.

21 MR. KLASSEN: Right.

22 MR. STEIN: Because if this is the
23 philosophy, and I know you have worked this out
24 very hard, unless you want to change it here
25

EXECUTIVE SESSION

to say no dumping overboard, because this makes a switch.

MR. KLASSEN: I think you stated it properly.

MR. STEIN: Right.

MR. OEMING: You stated it properly.

MR. STEIN: O. K. Then let's see if we can go on.

RECOMMENDATION #17

MR. STEIN: "17. The United States Department of Agriculture be requested to submit a report within six months on programs for preventing pollution from agriculture."

MR. KLASSEN: Wastes.

MR. STEIN: Does this mean stuff like spraying of Dutch Elm, for Dutch Elm disease and stuff, or what do you mean?

MR. OEMING: No, I didn't think so. I think you are talking about siltation, aren't you, Mr. Poston?

MR. PURDY: Fertilizers?

EXECUTIVE SESSION

1
2
3 MR. STEIN: Is this pesticides and
4 insecticides as well as siltation? What do
5 you mean there?

6 MR. SCHNEIDER: I think we meant
7 principally siltation, land-use practices.

8 MR. OEMING: I think you should
9 say so. I think you should say so, then.

10 MR. STEIN: Do you cover pesticides
11 in here?

12 MR. OEMING: Yes. That is why I
13 raise the question here. You don't want to
14 overlap. I have got another idea on pesticides.

15 MR. STEIN: Yes.

16 MR. OEMING: But aren't you looking
17 at siltation here primarily?

18 MR. STEIN: For siltation?

19 MR. POSTON: Well, it is land use
20 practices and we tried to give it a general
21 heading.

22 MR. STEIN: From agricultural land
23 use practices. All right, then, let's put it
24 down, because otherwise you are going to--right?

25 MR. COOK: No, it is more than that.

EXECUTIVE SESSION

1
2 MR. OEMING: Let's get straight on
3 what we mean here.

4 MR. STEIN: What do you mean? Right.

5 MR. COOK: Feed lots, dairy practices,
6 siltation.

7 MR. POOLE: Duck ponds.

8 MR. COOK: Duck ponds, the whole
9 broad coverage except pesticides.

10 MR. KLASSEN: Spraying for Japanese
11 beetles?

12 MR. OEMING: No, I am not so sure.

13 MR. STEIN: No, they don't mean that.
14 Except spraying. They mean everything except
15 pesticides, this is what was meant there.

16 All right.

17 MR. MITCHELL: What type of report?
18 A report of what the problem is or report of
19 what their proposals should be? We ought to
20 spell that out.

21 MR. OEMING: If I were the Department
22 of Agriculture I wouldn't know what to do if I
23 got this.

24 MR. SCHNEIDER: I think this was
25

EXECUTIVE SESSION

1
2 brought up, we don't know. In the first
3 meeting we really don't know what programs
4 they have, if any, and we would like to find
5 out.

6 MR. KLASSEN: Who are they going to
7 report to, us?

8 MR. STEIN: Us. But again, Mr. Oeming
9 points out if he were given a directive like
10 this, what would you come in with?

11 MR. KLASSEN: I--

12 MR. MITCHELL: That is right.

13 MR. KLASSEN: It is your recommenda-
14 tion. I don't know. And I don't know what the
15 Department of Agriculture, the Federal Department
16 of Agriculture, has to do with feed lots in the
17 State of Illinois.

18 MR. OEMING: As far as we are concerned,
19 we have control over those.

20 MR. KLASSEN: So do we.

21 MR. OEMING: So if we want to exercise
22 it, we have got it. The Department of Agricul-
23 ture, we don't worry about them.

24 MR. KLASSEN: I think this is a little
25

EXECUTIVE SESSION

vague.

MR. STEIN: All right, do you want to work on that now or can we have something on Tuesday perfecting this? Let's do that.

MR. OEMING: Let's perfect that.

MR. STEIN: All right.

Eighteen. I think we all know what we mean, but we had better perfect it.

MR. MITCHELL: Mr. Chairman, Tuesday is getting lengthier by the minute here.

(Laughter.)

MR. MITCHELL: I would rather discuss an item like this, it is only 9:30, in a little bit more detail.

MR. STEIN: All right, I am ready.

MR. MITCHELL: It seemed to me, if I am trying to interpret what the FWPCA wants, is they would like for the experts in the Department of Agriculture to come back and point out some future ideas and programs that might be accepted by States and Federal Government to start cutting down on some of the pollution problems that are currently being caused by

EXECUTIVE SESSION

1
2 agriculture? Then that is a little bit more
3 specific in telling them what you want.

4 MR. POSTON: Sediments, pesticides,
5 fertilizers.

6 MR. OEMING: Oh--

7 MR. STEIN: Oh, no. Wait, wait, wait.
8 The difficulty is, I thought we said we weren't
9 going to cover pesticides here, they were coming
10 later. Now, if we are talking about sediment
11 and siltation and land runoff, can we be specific?

12 Let me try this:

13 'The United States Department of
14 Agriculture be requested to submit a report
15 to the Conferees within six months on agricul-
16 tural programs which the--on programs which the
17 State water pollution control agencies--on
18 programs to prevent pollution from agricultural
19 land use such as siltation, feed lot operation--
20 what else do you have?

21 MR. KLASSEN: Could you get in there
22 the word "practices" to cover all of this
23 "agriculture practices"?

24 MR. STEIN: Agriculture practices--
25

EXECUTIVE SESSION

MR. KLASSEN: All right.

MR. STEIN: --such as siltation,
feed lot operation--what else?

MR. COOK: Dairying.

MR. STEIN: Dairy farming--dairying.
What?

MR. MORTON: A dairy is a feed lot
operation as far as--

MR. STEIN: Is it?

MR. COOK: Two different operations.

MR. STEIN: All right.

MR. COOK: Murray, may I say a word?

Actually, Secretary Freeman right
now has ordered a report of this nature and
it will be out within six months and this was
in our thinking when we developed this recom-
mendation. It will cover the whole field of
agriculture.

MR. STEIN: All right.

Are you satisfied, Mr. Mitchell?
I think they are a little more specific. All
right.

EXECUTIVE SESSION

RECOMMENDATION #18

MR. STEIN: "The United States Department of Transportation and State highway departments be requested to submit reports within six months on programs for preventing pollution from highway construction."

MR. OEMING: I would leave it up to the U. S. Department of Transportation. They are the ones who are riding herd on the State highway departments and they have got a good handle on them.

MR. STEIN: I have no objection if you want the State--

MR. MITCHELL: I am sure our State highway department has the same feelings that we have on the pollution control board, they like to have a voice in the things as they go along.

MR. OEMING: But they have got the voice through the Transportation now, haven't they, through the U. S. Department of Transportation?

EXECUTIVE SESSION

1
2
3 MR. STEIN: How do you want this?

4 MR. OEMING: I don't know how we can
5 insert ourselves in here as a peacemaker between
6 the two of them.

7 MR. KLASSEN: I am wondering, Mr.
8 Chairman, why are we injecting highway depart-
9 ments in water pollution. In each of the
10 States, if there is any water pollution from
11 highway construction, this is the State's re-
12 sponsibility.

13 MR. OEMING: That is right.

14 MR. KLASSEN: Why are we getting them
15 in the act?

16 MR. OEMING: The highway commissioner
17 sits on my commission.

18 MR. KLASSEN: What?

19 MR. OEMING: The highway commissioner
20 is a member of my commission.

21 MR. STEIN: Yes. Now, why don't--
22 if we are dealing with this --

23 MR. KLASSEN: What is the problem?

24 MR. STEIN: No, let me raise this
25 question. I think Mr. Klassen has a very good

EXECUTIVE SESSION

1
2 point. Can we say the States will submit
3 a report to us on their programs for this?
4 Because this is part of the State program unless
5 you have it.

6 MR. KLASSEN: Why are we picking on
7 highway construction any more than--

8 MR. POSTON: Well, this has to do with
9 sediment. Construction of roads, farming, and
10 urban developments are sources of sediment.
11 This is the intent for land-use practices.

12 MR. KLASSEN: Is this a problem in
13 Lake Michigan?

14 MR. OEMING: Wait a minute. Have we
15 had any testimony that sediment siltation from
16 highway construction is a problem? I don't
17 remember anything in the conference testimony.

18 MR. KLASSEN: Why was this brought
19 in?

20 MR. OEMING: Why is this a problem?

21 MR. POSTON: Because this is one of
22 the sources of sediment in our streams.

23 MR. OEMING: Well, I guess my lot is,
24 too, in Lansing, but--
25

EXECUTIVE SESSION

MR. KLASSEN: So are parking lots.

MR. POSTON: Not until your lot is subject to construction is it any source of--

MR. OEMING: Oh, I could get ridiculous, but I am not going to here.

MR. PURDY: Gardening.

MR. OEMING: Yes.

MR. STEIN: Let me ask you this. I know in the Potomac River, for example, that the highway construction and the subdivision construction together make a significant contribution to the appearance of that river and the silt. Are they significant here? Is this a significant problem here or not? I don't recall that we had any testimony indicating it was.

MR. OEMING: Not to Lake Michigan.

MR. STEIN: No.

MR. OEMING: I can't say that Lake Michigan--

MR. STEIN: I can't recall it. I know in some areas--as I say, I think we have done a fairly good job of cleaning up the Potomac River.

EXECUTIVE SESSION

1
2 We haven't got the silt out and the people
3 aren't--

4 MR. OEMING: Well, you have a different
5 problem there; that is a different kind of
6 situation.

7 MR. STEIN: Yes. The people aren't
8 sure we have cleaned up the river because they
9 still see it run muddy.

10 Is this a significant problem in
11 Lake Michigan or not?

12 MR. KLASSEN: Let me say this from
13 my standpoint, if highway construction is a
14 significant problem so far as Lake Michigan
15 pollution is concerned, we ought to direct
16 ourselves to that and really take some action.
17 But frankly, I haven't heard anything to indicate
18 highway construction is this. If it is, let's
19 do something about it. If not, let's not waste our
20 time on it and get on to something else.

21 MR. STEIN: All right.

22 May I make this suggestion? Let's
23 eliminate #18 here and the Federal water
24 pollution control agency representatives will
25

EXECUTIVE SESSION

1
2
3 make a report, because I haven't seen this
4 or the evidence to support this, at the first
5 progress meeting in six months on this siltation
6 problem from lots and highways and either say
7 it is significant or it is not significant.
8 If it is significant, we will take it up then.
9 O. K.?

10 MR. POOLE: I think that is quite
11 in order, Mr. Chairman, with the conclusion
12 that we added yesterday, which was that concern
13 has been expressed about de-icing, and so on.

14 MR. STEIN: Yes. Well, I think this
15 de-icing is in the same category. Unless I
16 can see some real evidence that de-icing is a--
17 that salt is a deterrent to Lake Michigan, and
18 I have seen evidence the other way, I think we
19 have to be persuaded. I haven't seen the evidence
20 yet.

21 MR. POOLE: No. Well, I didn't finish.
22 The conclusion was about de-icing and the effect
23 of highway and building construction on the quality
24 of water in Lake Michigan.

25 MR. STEIN: Right.

EXECUTIVE SESSION

MR. POOLE: So now if you are asking
for a report in six months--

MR. STEIN: Right.

MR. POOLE: --we are deepening our
recommendations and arming our conclusions.

MR. STEIN: Right. Thank you.

RECOMMENDATION #19

MR. STEIN: "Each State water pollution
control agency establish a permanent"--

MR. OEMING: You should read 19 also,
Mr. Chairman, in connection with that.

MR. STEIN: All right, I will.

"Each state water pollution control
agency establish a permanent program to determine
how much, when, where, and what kinds of pesti-
cides are being used. Findings to be reported
to the Conferees annually."

MR. KLASSEN: May I make one suggestion
here. Let's include what we are really after
to determine the levels in the water of these
pesticides. This is what we really want to know.

EXECUTIVE SESSION

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: Maybe this would save time here. Michigan is deeply involved in this pesticide program, you heard the Director of Conservation from the State, and others are concerned with it. But we are in a thicket here as to what we do--how much escapes to the streams, all these things. This is a very complicated problem. And I am not certain that we are ready yet to propose any legislation. There is some legislation proposed, but I don't know where it is going.

I would suggest that this is the kind of subject that would lend itself to further exploration by a technical committee established by this Board of Conferees to consist of one member from each of the States and headed by a member of the Federal Water Pollution Control Administration regional office in Chicago. And here is what I have in mind.

MR. STEIN: Why do you want to get the regional office in Chicago?

EXECUTIVE SESSION

MR. OEMING: Well, I don't care.

MR. STEIN: The reason I was thinking, I see one non-Federal expert on pesticides sitting in the audience, and I don't know too many in the country. If this is going to be meaningful, we are probably going to have to comb the country to find a real good man for you.

MR. OEMING: I have an idea, Mr. Chairman, and some of the members aren't aware of this, probably, but we did such a thing at the Lake Erie conference with respect to detergents, you will recall, and I felt that was very productive. It was the most productive effort in this line, in this kind of an area. And I don't care much whether you head it--who you head it up by. But I am looking at this, that this kind of a technical committee would go into the matter, explore with the various people who are working in this field with relation to the significance, the water pollution significance here. And I am very impressed, and I want to recommend highly to you an article by Mr. Page--

EXECUTIVE SESSION

1
2 Dr. Page Nicholson of the Federal Water Pollution
3 Control Administration that came out in November
4 of '67. This highlights, it seems to me, all of
5 the aspects that we are concerned with as a board.
6 He certainly should be called upon.

7 There are people that I sought to have
8 called at this conference, and I am still unhappy
9 about this.

10 MR. STEIN: Who?

11 MR. OEMING: There was a Dr. Reinert
12 of the University of Michigan who is deeply in-
13 volved in the fish problem in Lake Michigan, and
14 I couldn't get him to this conference. That is,
15 Mr. Poston asked--I asked Mr. Poston to ask him,
16 Poston wrote him and we got somebody else that
17 just generally talked about the thing.

18 Now, I think--

19 MR. STEIN: Doesn't this Reinert work
20 for us?

21 MR. OEMING: --that it is time we got--

22 MR. STEIN: He doesn't work for us.

23 MR. OEMING: He is in the commercial
24 fishery down there. He works for the Department
25

EXECUTIVE SESSION

1
2 of the Interior and you passed this on to
3 Carbine and Carbine did not see fit to send
4 him here to tell us what he knows. And I
5 know he knows something that would have been
6 helpful to this board.

7 MR. STEIN: Let me just go off the
8 record.

9 (Off the record.)

10 MR. OEMING: The point I am trying to
11 make here, Mr. Chairman, I don't want to make
12 an issue of this, but the point I am trying to
13 make is that the record at the conference is
14 woefully weak in this area. All we have is a
15 concern expressed. We did not get any informa-
16 tion that we could act upon. And I don't feel
17 that these recommendations are very productive.

18 It seems to me that what is productive
19 is somebody to sit down and get their teeth into
20 it and put this into perspective by calling the
21 experts, everybody in the country, which the
22 detergent people did. They went through and
23 called everybody who they thought knew anything
24 about detergents.
25

EXECUTIVE SESSION

I want the same thing done here.

MR. POOLE: That is why I would endorse that. As you recall the Lake Erie, we had a technical committee, but it was authorized to ask anybody that it wanted to come in and participate. And it seems to me that that pattern you had for Lake Erie is quite applicable to the pesticide situation.

MR. STEIN: Is this agreeable with the people here? If this is--

Yes.

This is a question we have all the time and that is why I didn't want to limit this. It might be wise, as we did in your committee that we had on the water quality standards in the lower end of Lake Michigan where we had Kittrell, who almost put full time on the job, and to get a man like Page Nicholson up here to do something like this.

EXECUTIVE SESSION

1
2
3
4 But let's say that a technical
5 committee to work on pesticides, chaired
6 by the Federal Water Pollution Control
7 Administration, and having representatives
8 from each State will be established.
9 Findings and determinations on the pesti-
10 cide problem and a program to control it
11 will be reported to the Conferees by this
12 committee. A first report will be made
13 to the Conferees in six months. The com-
14 mittee, among other things, will determine--
15 will explore the amounts of pesticides in
16 the waters of Lake Michigan--in the Lake
17 Michigan drainage basin and a--

18 MR. OEMING: And evaluate the water
19 quality problems.

20 MR. STEIN: --and evaluate the
21 water quality programs in connection there-
22 with.
23
24
25

EXECUTIVE SESSION

Now, let's go on to surveillance, 20.

MR. OEMING: Did you say FWPCA is a member of that committee?

MR. STEIN: "Chairman," I said.

MR. OEMING: O. K., I missed it.

MR. STEIN: Yes. Because we are probably going to have to break one of our experts loose to handle this.

MR. OEMING: O. K.

MR. POSTON: Mr. Chairman, we would like to insert in here something relative to septic tanks.

MR. STEIN: All right, yes.

MR. POSTON: We have a paragraph here.

MR. SCHNEIDER: Well, this is from the Wisconsin recommendation, 2.1 on page 11, and it seems to me that it is a lot broader and could be very well incorporated as another recommendation.

MR. STEIN: Yes, go on. Mr. Oeming was raising a question about septic tanks yesterday.

MR. SCHNEIDER: Well, I will read it

EXECUTIVE SESSION

the way I would propose to change it, Mr. Holmer.

"It is recommended that each of the State water pollution control agencies have drafted, and seek introduction in 1969, parallel legislation designed to achieve controls of use of unincorporated land areas and of lands bordering on streams and lakes in the basin. Such legislation should relate to the creation of subdivisions," and I would think wherever located, "regulation of water supply and sewage disposal systems," and I have inserted, "the latter with particular reference to control and elimination of septic tanks." And then next, "minimizing flood hazards and the control of erosion and runoff."

Pardon?

MR. OEMING: We have got no problem. You have no problem with us. We have got it already, so--and Wisconsin has too, I think.

MR. STEIN: Did you propose that? Is that agreeable to you, Mr. Holmer?

MR. HOLMER: We think it's a good recommendation.

EXECUTIVE SESSION

MR. STEIN: How about the other States?

MR. POOLE: We will buy that, but I remind you of an experience I had several years ago when I was on the National Research Council Committee on Sanitary Engineering and the Director of the National Research Council came in and said that the space agency had asked them to start thinking about the disposal of waste in space and he wanted this committee to do it and Gordon Fair said, "That is simple, just open the hatch and put it into orbit," and we dismissed it with that and then we got into a two-hour argument about septic tanks.

(Laughter.)

I don't want this conference here to deteriorate into what that meeting did.

MR. STEIN: You have one of the Nation's experts on septic tanks working for you. I haven't seen him for awhile.

MR. POOLE: Which one is that?

MR. STEIN: Who is your colleague? You know, the deputy who handled that during the war. What was his name?

EXECUTIVE SESSION

MR. POSTON: Joe Queen.

MR. STEIN: No. Who was that other fellow working there?

MR. POOLE: Heider?

MR. STEIN: Heider. Heider, yes.

MR. KLASSEN: I think this is a good recommendation. However, it will take some real modifications and different thinking in many of our legislatures, because now we are invading private property that may or may not in any way have anything to do with water pollution.

But I am willing to give it a try.

MR. STEIN: All right. Let's see if we can have this drafted for the consideration of the Conferees on Tuesday. I don't think this one should present too much of a problem and we are pretty definite on it.

May we go on?

RECOMMENDATION #20

MR. STEIN: Surveillance. "Each State water pollution control agency monitor tributaries

EXECUTIVE SESSION

1
2 near the point of discharge to Lake Michigan
3 and report results to the Conferees annually.
4 Measurements should be made of all constitu-
5 tuents necessary to determine water quality,
6 including pesticides, and quantities of inputs
7 to the lake."

8 MR. OEMING: My first question, Mr.
9 Chairman, is shouldn't this "including pesti-
10 cides" be included in this committee activity
11 here, that they ought to determine? As I read
12 Page Nicholson, there are some problems here.

13 MR. STEIN: Shall we strike that for
14 now?

15 MR. OEMING: Include that in the other
16 committee.

17 MR. STEIN: Yes, let's strike that
18 from this one here. That raises some technical
19 problems right now.

20 Are there any--

21 What we have done, gentlemen, is we have
22 struck "including pesticides" because of
23 technical difficulties at this time until
24 the committee comes in with its recommendations.
25

EXECUTIVE SESSION

Are there any other comments on this one?

If not, let's go on to 21.

RECOMMENDATION #21

MR. STEIN: "The Department of the Interior establish a monitoring program for Lake Michigan that will include determinations of those characteristics and constituents that will indicate trends in water quality."

I am not sure what that means.

MR. OEMING: I am not so sure either.

Can you tell us, Mr. Poston, what you mean by this, what you have in mind?

MR. POSTON: What we had in mind was sampling in the lake to give you quality of lake water from time to time. This would be done this year and--

MR. OEMING: You are doing it now, aren't you?

MR. POSTON: No.

MR. OEMING: Aren't you?

EXECUTIVE SESSION

MR. POSTON: No.

MR. OEMING: O. K.

MR. STEIN: This would seem to me to make more sense. I don't want to quibble with this. But we have a couple of vague recommendations here that anyone can drive a truck through. I don't know what tributaries the States are going to monitor, etc. If you mean that we should set up a really joint monitoring program in which we are going to come to an agreement with the States that they are going to set up monitoring points on certain tributaries and look for some stuff; the Federal Government is going to get out in the lake and do it; we are going to exchange information--I think we have got one thing. But, I believe if this is going to be meaningful and we are all not going to go off in different directions, we must work together. Again, this seems like a technical committee's job in which we get a plan worked out, you know, where each State is going to come forward and where you are going

EXECUTIVE SESSION

1
2 to monitor what we are going to find so
3 that the results will dovetail and be
4 meaningful.

5 Yes, sir.

6 MR. MITCHELL: I just read Mr. Holmer's
7 recommendation on page 9, 1.1. It is almost
8 identical to what you just said, Mr. Chairman.

9 MR. STEIN: All right.

10 MR. OEMING: You know, I like that a
11 little better, Mr. Chairman, "for improvements
12 in the water quality monitoring," because this
13 implies that there isn't any and we know there
14 is a lot of monitoring in the States and--at
15 least in the States.

16 MR. STEIN: Well, this is just FWPCA.
17 Can I say there that--

18 MR. OEMING: No, it isn't, Mr. Chairman.

19 MR. MITCHELL: 1.1 there.

20 MR. OEMING: "Including State repre-
21 sentation."

22 MR. PURDY: "Including State represen-
23 tation," you see.

24 MR. STEIN: Oh. Yes.
25

EXECUTIVE SESSION

1
2 Can we make this a committee, a
3 Conferee action?

4 MR. OEMING: I don't see any reason
5 why not.

6 MR. STEIN: Yes, that the Conferees
7 have a joint committee for this, the cities and
8 the States, to develop recommendations for
9 improvement in the water quality monitoring
10 program of the State agencies in Lake Michigan
11 and the Federal--water quality monitoring
12 programs of the State agencies and the Federal
13 Government in Lake Michigan, work out a co-
14 ordinated program and submit such recommen-
15 dations to the Conferees for comment at the
16 next--in six months at the next progress meeting.
17 O. K.? This would be fine.

18 Thank you. All right.

19
20 RECOMMENDATION #22

21
22 MR. STEIN: Now 22. "The Coast Guard
23 be requested to step up aircraft pollution
24 patrols on Lake Michigan, report all suspected
25

EXECUTIVE SESSION

pollution cases immediately to the Federal Water Pollution Control Administration, and report semi-annually to the Conferees on surveillance activities."

What does this mean?

MR. POSTON: The Coast Guard does considerable helicopter surveillance, and we considered that they might be amenable to making some visual observations at times of other flights and on special flights since they are interested in oil pollution spills and could report back to the agencies through the Federal Water Pollution Control Agency.

MR. STEIN: Yes. Well, I am hesitant on this again, and you know I don't want to be too defensive with the Federal agencies, but the implication here is the Coast Guard doesn't do this now. As far as I know, they are reporting every oil spill they see.

You may want to improve this or something, but the Coast Guard is charged with enforcing all the laws of the United States as they relate to water and they are pretty alert, as far as I can see, on oil spills.

EXECUTIVE SESSION

1
2 What more do we want them to do?

3 MR. OEMING: Well, they wait--

4 MR. POOLE: They could step up.

5 MR. POSTON: Step it up, yes.

6 MR. STEIN: Well, again--

7 MR. POSTON: Do you know what they
8 do?

9 MR. STEIN: What?

10 MR. POSTON: Do you know what they
11 do?

12 MR. STEIN: No, but I haven't heard any
13 testimony as to what they do or what they don't
14 do.

15 MR. POSTON: That is what I would
16 like to know.

17 MR. STEIN: Well, but you say
18 "requested to step up." Now, if you want a
19 report from the Coast Guard and we are going
20 to request them on their program and a co-
21 ordinated program with us, this is fine. But
22 I would hate to make a recommendation on some-
23 thing for a step-up when we haven't really
24 had any testimony or heard what they are doing.
25

EXECUTIVE SESSION

MR. OEMING: How would it be, Mr. Chairman, if we just requested the Coast Guard to inform the Conferees as to their present--

MR. STEIN: And future.

MR. OEMING: --present and future plans for monitoring and reporting?

MR. STEIN: Right.

MR. POSTON: O. K.

MR. STEIN: Right. O. K.?

RECOMMENDATION #23

MR. STEIN: "23. The State water pollution control agencies arrange for water quality analysis, including planktonic algae counts, to be performed daily at the following water filtration plants: Green Bay, Milwaukee, Evanston, Chicago (both plants), Gary, Michigan City, Benton Harbor, and Grand Rapids. Results be reported annually to the Conferees."

MR. OEMING: Mr. Chairman, I think there is a question here, not in most of these, at least, that I know of, but at least

EXECUTIVE SESSION

1
2 differentiating between Grand Rapids and
3 Benton Harbor capabilities. Now, presently
4 Grand Rapids is doing tests. They are not
5 doing them daily, and I question whether
6 there is a need for daily at this time.
7 Certainly, as far as we are concerned, we
8 are willing to ask and secure or urge them,
9 Benton Harbor, to do the same testing.

10 Now, when we say "require"--let's
11 say, "arrange," that says "arrange for";
12 I guess we are all right there. But I would
13 question the daily--

14 MR. STEIN: How frequently do you
15 think it would have to be done?

16 MR. OEMING: I would like to start
17 out here, just as a starting point, that twice
18 weekly, and let's see where we get with this
19 first.

20 MR. STEIN: To be--can we--

21 MR. POSTON: Why not just leave out
22 "daily," then, and just say, "be performed
23 at the following"--

24 MR. STEIN: Can we say "be performed
25

EXECUTIVE SESSION

1
2 at least twice weekly"?

3 MR. OEMING: Something like that.

4 MR. STEIN: How about that?

5 MR. OEMING: That would be all right.

6 MR. STEIN: Let's try that.

7 MR. OEMING: Would you say "at least
8 twice weekly"?

9 MR. STEIN: "At least twice weekly."

10 MR. OEMING: This would be a minimum.
11 And then I would suggest one more, and maybe we
12 are getting into too much detail--

13 MR. STEIN: No.

14 MR. OEMING: --but as the counts
15 increase to vary the--or there is a variation
16 in species to increase this, if you want to
17 be specific, Wally.

18 MR. STEIN: No, I don't think we
19 need that.

20 MR. OEMING: All right.

21 MR. STEIN: Is this agreeable to
22 everybody?

23 Yes, Mr. Morton.

24 MR. MORTON: I would like to make a
25

EXECUTIVE SESSION

comment similar to Michigan's in that the City of Evanston may have difficulty making that frequency desired. Now, the City of Chicago already does this, has for many years, so this is not a problem specifically.

MR. STEIN: Yes.

MR. MORTON: But Evanston--

MR. STEIN: Can Evanston do it twice a week?

MR. MORTON: I would question it on all parameters. They do some parameters--

MR. OEMING: No, this is a gross--

MR. MORTON: --and what they feel necessary in order to process their water, but not as--

MR. OEMING: Well, Mr. Morton, I guess maybe you have got a point here as to how extensive this must be in the analysis. What we are talking about is gross counting with some identification, not complete identification.

But this is what Grand Rapids is doing. I don't know, I suppose Chicago is doing more than anybody else in this area,

EXECUTIVE SESSION

1
2 but I would think that we would have difficulty
3 requiring maybe some of the--a smaller plant
4 like Benton Harbor to do a complete identification.
5

6 A gross counting would certainly help,
7 and this is the basic thing, a gross counting
8 and with some identification of the more sig-
9 nificant, of the more specific--

10 MR. STEIN: Let's try this, if there
11 is no serious objection, and see how it works.
12 At least it will give us something to go on.
13 I know when you are dealing with these small
14 plants that you are going to have a little
15 slippage--

16 MR. OEMING: Yes.

17 MR. STEIN: --in this testing with
18 the best of intentions.

19 Is this agreeable? Is there any
20 objection to this one?

21 If not, let's go on.

22 Research.

23 MR. OEMING: You are going to say "at
24 least twice weekly"?

25 MR. STEIN: "At least twice weekly."

EXECUTIVE SESSION

MR. OEMING: All right, fine.

MR. SCHNEIDER: There was one other that we had talked about putting in, #19 in the original report. That wasn't--

MR. STEIN: What page is that?

MR. SCHNEIDER: I think 66.

MR. OEMING: Yes, that is right. Yes, you were talking about it.

Maybe that is not the one. I had better not say.

MR. SCHNEIDER: 17, 18 and 19 were all combined in other recommendations.

MR. OEMING: Yes.

MR. SCHNEIDER: We eliminated or forgot. Well, 19 wasn't. It was just left out.

MR. OEMING: 18 isn't, remember?

MR. SCHNEIDER: No, that is right, 18 isn't, but we will talk about that later. But I think 19 ought to be considered now.

RECOMMENDATION 19 FROM FWPCA REPORT

MR. STEIN: All right, 19 reads:

"State water pollution control agencies compile an inventory of all sites

EXECUTIVE SESSION

1
2 where potential exists for major spills of
3 oil and other hazardous material; and require
4 that measures be taken where necessary to
5 prevent the escape of this material to the
6 waters."

7 MR. OEMING: Lake Michigan, as long
8 as you are talking about Lake Michigan, I don't
9 want to be running into Lansing, that isn't
10 going to get in the lake.

11 MR. SCHNEIDER: Well, if you had a
12 major spill on a tributary--

13 MR. OEMING: It depends on where it
14 is, Bob. I mean we get a little unrealistic
15 to find out there is an oil tank up 80 miles
16 with dams in between and all this stuff. That
17 isn't ever going to get there.

18 MR. STEIN: Do we understand that
19 this applies to pollution of Lake Michigan?

20 MR. POSTON: We already have a questionnaire
21 out to you folks through Mr. Pemberton in which
22 he is compiling this information now.

23 MR. OEMING: Well, that is one thing.
24 But we are talking about Lake Michigan here now.
25

EXECUTIVE SESSION

We will answer your questionnaire.

MR. POSTON: O. K. Put in Lake Michigan, then.

MR. OEMING: Well, this is what I suggest.

MR. STEIN: "And other hazardous material which may affect the waters of Lake Michigan?"

MR. OEMING: Yes.

MR. STEIN: All right. And then we will go on with that. O. K.?

MR. OEMING: That is in Mr. Holmer's-- Freeman, isn't that one of yours?

MR. HOLMER: Well, ours is 2.3, but I have no objection--

MR. OEMING: Is that close enough?

MR. HOLMER: --to using 19.

MR. STEIN: O. K. We're about set.

Now, any others? When are you going to take up this 18 here?

MR. SCHNEIDER: I thought that that could go in--oh, it probably ought to go in now.

RECOMMENDATION 18 FROM FWPCA REPORT

MR. STEIN: All right. Let me read

EXECUTIVE SESSION

1
2 this. We have run into this problem before.
3 Let me give you the problem.

4 "The discharge of oil from any source
5 into any waters of the Lake Michigan basin be
6 stopped entirely."

7 This brings us back to that zero
8 tolerance. The way we resolved it in the lower
9 end of the lake was "all visible oil." Is that
10 what you mean?

11 MR. SCHNEIDER: Well, I think we would
12 like to establish some kind of a principle here.
13 Could we leave that in and then simply add
14 another sentence, "In the absence of more
15 definitive surveillance techniques a visual
16 observation should be the basis for enforcement
17 of the recommendation"? Would that be--

18 MR. STEIN: Well, again you are
19 raising this question of zero tolerance on
20 this operation. Every time we get a new
21 technique everyone who was in compliance is
22 not in compliance. Here is the issue.

23 You go to these big steel companies
24 and the petroleum companies and they are putting
25

EXECUTIVE SESSION

1
2 in tens of millions of dollars to get an
3 operation where they will not produce any
4 visual oil or meet our requirements, and
5 as far as they are concerned they want a
6 little certainty and figure if they have
7 done this they are going to be off the hook
8 maybe for 10 or 20 years and we are not going
9 to bother them. What we are doing here is
10 what we have always done with the zero tolerance
11 technique, we say, "O. K., you fellows, spend
12 \$25 million, cut out all the visual oil, but
13 as soon as we can improve our technique you
14 are not going to be in compliance again and we
15 are going to be around and we are going to ask
16 you to do a little more." Now, this is from a
17 regulatory agency point of view.

18 We have all lived with this for the
19 past 20 years and been burned by it. I think
20 we possibly should avoid going down that road,
21 because we have tried it, and on its face it
22 looks good, but it doesn't work. I would like
23 to hold, if we could, in principle, away from
24 that zero tolerance, that any time you are going
25

EXECUTIVE SESSION

1
2 to run up with a new technique every industry
3 and city that was in compliance automatically
4 runs out of compliance.

5 MR. POOLE: I support you, Mr. Chairman.
6 A literal interpretation of 17, I pointed out
7 before, would mean a filling station can't even
8 dump one oil change, a filling station anywhere
9 on the watershed.

10 MR. POSTON: Seventeen?

11 MR. SCHNEIDER: He means 18.

12 MR. OEMING: Eighteen.

13 MR. POOLE: That "stopped entirely"
14 has always bothered me.

15 MR. STEIN: Could we do it the same
16 as we had it in the lower end of Lake Michigan?
17 And we have worked through this with Illinois
18 and Indiana now and I think they can live with
19 it and I hope the rest of the States do. It
20 reads something like, "The discharge of visible
21 oil from any source into any waters--into the
22 waters of Lake Michigan is prohibited," or some-
23 thing of that kind.

24 MR. OEMING: I am happy.
25

EXECUTIVE SESSION

1
2 MR. POOLE: Yes.

3 MR. STEIN: All right. Let's see if--

4 MR. POSTON: Leave off the word
5 "entirely."

6 MR. STEIN: Yes, that--

7 MR. OEMING: "Visible oil."

8 MR. STEIN: "Visible oil." And that
9 "entirely," you know, is again that zero tolerance
10 there. "Entirely" here is like when you say
11 "no smoking" and then you put up "positively."

12 (Laughter.)

13 You know.

14 All right. "Be eliminated." All right.

15 Now may we go on?

16 Yes.

17 MR. SCHNEIDER: You know, you raised
18 the point yesterday about these interstate
19 carriers, the tankers.

20 MR. OEMING: The tankers that are sunk.

21 MR. SCHNEIDER: And I have something
22 here that I think might go to the recommendation
23 that you had in your report.

24 MR. OEMING: Yes.
25

EXECUTIVE SESSION

1
2
3 MR. SCHNEIDER: That an immediate
4 inspection program be conducted, and I don't
5 know by whom, of all vessels used for the
6 transport of liquid petroleum products to
7 determine either their seaworthiness or whatever
8 else you have to determine, and then that any
9 such vessels found to constitute an oil spillage
10 hazard be barred from Lake Michigan.

11 MR. POOLE: By whom?

12 MR. STEIN: Who is going to inspect
13 those?

14 MR. SCHNEIDER: I don't know.

15 MR. PURDY: Well, your lake carriers
16 are inspected annually anyhow as far as their
17 seaworthiness, aren't they?

18 MR. SCHNEIDER: I believe so. But
19 maybe there is some--

20 MR. STEIN: Well, we had a--

21 MR. SCHNEIDER: This was the point
22 down in Puerto Rico, as I understood, that
23 this was an old decrepit vessel that broke up
24 on a reef down there or something.

25 MR. STEIN: Well, this isn't going

EXECUTIVE SESSION

to get at that problem, though, Bob.

Now, let me tell you, we are moving very slowly--and I ask you to do this--you people all recognize the problems we have with our Oil Pollution Act. We are moving slowly in perfecting techniques on oil pollution control, and there is legislation that has passed the Senate; now before the House Committee. I think we should move on this carefully.

The best way that we can see to do this--and this is one of our proposals--is to keep a list nationally of these boats and indicate the bad actors our staff finds in some of these people. The reason is that the guy who is going to leak oil in San Diego, New Orleans, Philadelphia or Baltimore is going to do it in Chicago. Once we have surveillance of that, we have a pretty good idea of someone you can get at.

I think on this question of boats being decrepit that good housekeeping and a good attitude are just as important with relation to these oil spills from boats. A man can run a relatively decrepit boat

EXECUTIVE SESSION

1
2 and be careful and do a reasonably good job.
3 A man can have the most modern operation or
4 facility, and with his attitude he is going
5 to have oil spills in every port he is in.
6

7 So I wonder if we could approach
8 that a little more carefully.

9 MR. OEMING: Mr. Chairman, maybe I
10 haven't communicated here what I had in mind.

11 What is concerning me is two things,
12 a vessel gets sunk out here, not through
13 carelessness or because it is an old vessel,
14 but it gets sunk and it has got oil in it.
15 And witness the Morazan problem, we have been
16 fussing with this and I hope that this gets
17 taken care of this summer.

18 The second is an accident like we
19 had in the Detroit River could happen here
20 where a vessel sinks, it has got cyanide on
21 it or it has got some destructive material in
22 it. Now, we don't seem to be able to get
23 hold of this. It has taken a little time.
24 We are hopeful we will get hold of this Morazan
25 problem with this several thousand gallons up here.

EXECUTIVE SESSION

1
2
3 But I am looking for some mechanism
4 to get some responsible people rather than
5 filing suits, and it takes so damned long to
6 get the suit filed and get it heard. We are
7 filing a suit on this Morazan thing.

8 But this is not going to prevent a
9 hazard if that boat should break up out there
10 and that oil get on our beaches this summer.
11 This is what I am aiming at.

12 MR. SCHNEIDER: Well, isn't that in
13 the old pollution act now the Secretary--

14 MR. STEIN: Well, we can do this. No,
15 this is what is proposed. We don't have that
16 in legislation now.

17 MR. OEMING: I see.

18 MR. STEIN: I think we are going to
19 have to have a lot of legislation, work on
20 legislation in getting this through. A bill has
21 passed the Senate.

22 The issue here is this--and I think
23 it is very little different than on taking one
24 of your highways in Michigan or something--if
25 a man is driving a car or a big truck and it

EXECUTIVE SESSION

1 stalls in midst of the road, you have got two
2 problems. It just may be due to his negligence
3 when you have one or it may be due not to any
4 negligence at all. If he gets stalled, what
5 you try to do is at his own expense get him to
6 drag that away so traffic can continue. If he
7 can't do that, then you recognize that the
8 impediment on the life of the city is so much
9 that you put out the city's police funds and
10 you get out a tow truck and you take his auto-
11 mobile away. But if the guy wants to get his
12 car back, he has to pay for it. O. K.

14 The analogy is something like that
15 when any vessel sinks, with cyanide, oil, or
16 anything. The first move is, "O. K., you have
17 done this, this may be due to your fault or
18 not, we are not getting into this. You have done
19 this, remove it, remove it at your expense. If
20 you can't remove it at your expense, then we
21 consider the consequences of that act so grave
22 to other people that there is going to be a
23 mechanism where a Federal"--it will have to
24 be Federal, I guess--"where a governmental
25

EXECUTIVE SESSION

1
2 agency will take the action under its own
3 expense to remove it and then we will have
4 some machinery to get the money back." O. K.

5 I don't want to go into any particular
6 point, but from the Federal point of view we are
7 going to need legislation to do this.

8 Sir?

9 MR. MITCHELL: What is the Federal
10 legislation today in regard to if you have a
11 major oil spill? Is there any responsibility
12 by the tanker or the company that owns the
13 tanker if there is a major oil spill?

14 MR. STEIN: Do you mean under Federal
15 law?

16 MR. MITCHELL: Yes. What is it?

17 MR. STEIN: No, in order for the oil
18 spill to be abated under the Federal law, it
19 has to be a discharge due to a wilful act or
20 gross neglect, and this is--

21 MR. OEMING: They are hung on that
22 "wilful."

23 MR. MITCHELL: Can new legislation be
24 proposed to change that?
25

EXECUTIVE SESSION

1
2 MR. STEIN: Yes, sir. Yes, sir. As
3 I said, with a legislation like that, you have
4 to be a better lawyer than I am to win a case.

5 MR. OEMING: Mr. Chairman, I am ready
6 to pass on and pass over this.

7 MR. STEIN: All right.

8 MR. OEMING: I just hoped that we
9 might come up with something.

10 MR. STEIN: The bill is through the
11 Senate and the new legislation takes that out
12 and also provides that we can go on our own
13 if we can't get the ship to do this, clean it
14 up and then try to get reimbursed later on,
15 the same way as you tow away a car.

16 MR. MITCHELL: And you are suggesting
17 that the Conferees should not make any decision
18 in regard to this new legislation, we should
19 just ignore it?

20 MR. STEIN: No, no, I would suggest
21 that the best effect that you can have on this
22 legislation, sir, is the kind of effect that
23 every one of your States and especially Illinois
24 has had before. You know well how to talk to
25

EXECUTIVE SESSION

1
2 legislators, and I don't think that the
3 enforcement conference or the mechanism
4 of an enforcement conference is the best way
5 to get your impact on the legislative process
6 felt. You know very well how to do that. Now,
7 if you want to use this, this is all right,
8 but I think this is through the Senate, you
9 know who the House Committee people are.

10 MR. POOLE: I couldn't see, Mr. Chair-
11 man, we have much the same issue as commercial
12 watercraft, where it would hurt anything for at
13 least the State Conferees to put themselves on
14 record with a recommendation that the current
15 Federal Oil Pollution Act be at least materially
16 strengthened.

17 MR. STEIN: All right.

18 MR. POOLE: Something of that sort.

19 MR. STEIN: All right. Now, if you
20 want to say that--

21 MR. POOLE: We have been pretty free
22 here with recommendations for legislation for
23 the States every time we come up with a problem that
24 the States don't have.
25

EXECUTIVE SESSION

MR. STEIN: All right.

MR. POOLE: So I for one would favor
a recommendation.

MR. STEIN: Let me put it down that
the State Conferees believe that the protection
of the waters of Lake Michigan from oil pollu-
tion require the material strengthening of the
existing Federal Water Pollution Control Act.

O. K.?

MR. POOLE: Yes.

MR. STEIN: Is that fair?

MR. POOLE: Yes, I was going to say
oil, but I guess it is--

MR. STEIN: Oil, I guess, yes, let's
revise that, say oil. Although it has been
incorporated. But by Tuesday we will have the
proper title. O. K.?

May we go on to research? Because we
have got one major point yet.

Mr. Klassen?

MR. KLASSEN: I have been working on
something here, Mr. Chairman, to go back again,
I don't want to delay this, but the boat show

EXECUTIVE SESSION

1
2 opens tonight in Chicago and I think that
3 we have some kind of an obligation to give a
4 statement regarding this watercraft, and I have
5 one proposed here. I don't know whether you
6 want to get into it now, but it would give a
7 statement of the Conferees, at least it would
8 be for some guidance as to what we are thinking.
9 I don't know whether you want to--

10 MR. STEIN: Why don't--

11 MR. KLASSEN: This has to do with my
12 charge as committee chairman for this.

13 MR. STEIN: All right.

14 (Laughter.)

15 MR. MITCHELL: We had a quick meeting.

16 MR. KLASSEN: Yes.

17 MR. STEIN: Here, let's do this now,
18 this is 13.

19
20 RECOMMENDATION #13

21
22 MR. STEIN: "The four States within
23 60 days meet and agree upon uniform rules and
24 regulations for controlling wastes from watercraft.
25

EXECUTIVE SESSION

These rules and regulations will generally conform with the Harbor Pollution Code adopted by the City of Chicago in the Model Boating Act which prohibits outside--

MR. KLASSEN: Overside.

MR. STEIN: --overside disposal but specifically prohibiting the use of the macerator chlorinator. Since each of the four States operates under different statutes, Conferees will recommend to their respective boards, legislatures, and so forth, approval of the proposed uniform rules and regulations to be effective by April 1969."

How is that date with you, Blucher?

MR. KLASSEN: Recommended.

MR. POOLE: I don't mind making it effective then.

MR. STEIN: All right. O. K.

MR. OEMING: Ours is going to be changed.

MR. STEIN: Do you want us to meet with you or just the States on those?

MR. KLASSEN: Oh, no, no, no, we will

EXECUTIVE SESSION

1
2 invite the Federal Government.

3 Off the record.

4 (Off the record.)

5 MR. OEMING: Mr. Chairman.

6 MR. STEIN: Yes.

7 MR. OEMING: This poses a little doubt
8 in my mind here as far as Michigan is concerned.
9 I would hate something like this to come out and
10 give the impression to the boating fraternity
11 that the Michigan regulations which have now
12 been adopted may be changed again. We have
13 gone through the battle here and we have got
14 them adopted, and I don't want this to imply
15 that as a result of this conference we are
16 going to go back and change things.

17 MR. KLASSEN: All right.

18 MR. STEIN: All right. Could we say--
19 let me have this.

20 MR. KLASSEN: All right.

21 MR. OEMING: "These rules and regula-
22 tions will generally conform with the Harbor
23 Pollution Code adopted by the City of Chicago
24 and the regulations adopted by the Michigan Water
25

EXECUTIVE SESSION

Resources Commission."

MR. STEIN: And the regulations adopted by the Michigan--what do you call yourself, Water Resources?

MR. OEMING: Water Resources Commission. You can say the State of Michigan if you want, if you want something to hang it on.

MR. STEIN: --Water Resources Commission and the Model Boating Act."

Let me read this again:

"Representatives of the Conferees"-- and I just didn't put--do you want the four States in there? That is why he put the Federal Government.

MR. KLASSEN: This is why I brought it up here, so the Conferees could act on this statement, because I think we are obligated to make some statement.

MR. STEIN: All right.

"Representatives of the Conferees within 60 days meet and agree upon uniform rules and regulations for controlling wastes from watercraft. These rules and regulations will generally conform

EXECUTIVE SESSION

1
2 with the Harbor Pollution Code adopted by the
3 City of Chicago, the regulations adopted by
4 the Michigan Water Resources Commission, and the
5 Model Boating Act which prohibits overside
6 disposal, but--we don't have the sentence right.

7 MR. KLASSEN: "And specifically"?

8 MR. STEIN: "And," not "but."

9 MR. KLASSEN: "And."

10 MR. STEIN: "And specifically prohibits"--
11 right?

12 MR. KLASSEN: That is right.

13 MR. STEIN: --"prohibits the use of
14 the macerator chlorinator. Since each of the
15 four States operates under different statutes,
16 Conferees will recommend to their respective
17 boards, legislatures, and so forth, approval of
18 the uniform rules and regulations to be effective
19 by April 1969."

20 Is this fair?

21 MR. OEMING: Our effective date is
22 January 1970, isn't it?

23 MR. PURDY: Yes.

24 MR. KLASSEN: Well, could we say
25

EXECUTIVE SESSION

"unless otherwise"--

MR. STEIN: Then why have the date?

MR. HOLMER: You can't depart from
a legislative act.

MR. KLASSEN: No, you can't.

MR. STEIN: "Approval of the proposed
rules and regulations" and then let it be period.
Let them ask you about your individual dates.

Do you think you want a date in there,
Clarence?

MR. KLASSEN: Well--

MR. STEIN: If we could get it, I
always--

MR. KLASSEN: What do the rest of
them think about this?

MR. POSTON: I think we ought to have
a date.

MR. MITCHELL: It could be the date
on seeking introduction not on the date of
accomplishment of the passage of legislation.

MR. POSTON: Effective date, I think--

MR. KLASSEN: Well, it didn't say
legislation, it said regulations. We don't

EXECUTIVE SESSION

1
2 need legislation in Illinois.

3 MR. POOLE: We can't adopt regulations,
4 Clarence, without legislation. Where you have
5 got a law that specifically exempts boats on
6 Lake Michigan we can't come in and adopt a
7 regulation covering boats on the lake.

8 MR. STEIN: I think you would be
9 better off without this date here. The only
10 date you can come up with is the date they
11 are going to write their recommendation.

12 MR. KLASSEN: All right.

13 MR. STEIN: So let me read--

14 MR. POOLE: I want to ask Mr. Oeming
15 about whether the Michigan regulation specifically
16 prohibits macerator chlorinators--

17 MR. OEMING: No.

18 MR. POOLE: --or whether this is
19 just a policy of the State of Michigan.

20 MR. OEMING: No. It says that you
21 would approve the recirculating device such
22 as holding tanks or the incinerators and that
23 any other device will be subject to the approval
24 of the Commission. And at the present time we
25

EXECUTIVE SESSION

1
2 are not approving macerator chlorinators.

3 MR. STEIN: Yes. But the statement
4 we have here, and I am just asking as a drafts-
5 man now, says it specifically prohibits the
6 use of the macerator chlorinator. You don't.

7 MR. POOLE: No.

8 MR. OEMING: No.

9 MR. STEIN: "And does not approve the
10 use of"--

11 MR. KLASSEN: "Does not approve,"
12 all right. That is good.

13 MR. STEIN: "And does not approve."

14 MR. KLASSEN: I think we are obligated
15 to let the boating fraternity know where we
16 stand on this, because a lot of them are wanting
17 to put this in.

18 MR. STEIN: All right. Let me read
19 this again, and I think we've got it:

20 "Representatives of the Conferees within
21 60 days meet and agree upon uniform rules and
22 regulations for controlling wastes from watercraft.
23 These rules and regulations will generally conform
24 with the Harbor Pollution Code adopted by the City
25

EXECUTIVE SESSION

1
2 of Chicago, the regulations adopted by the
3 Michigan Water Resources Commission, and the
4 Model Boating Act which prohibits overside
5 disposal and does not approve the use of the
6 macerator chlorinator. Since each of the
7 four States operates under different statutes,
8 the Conferees will recommend to their respective
9 boards, legislatures, and so forth, approval
10 of the proposed uniform rules and regulations."

11 MR. KLASSEN: All right.

12 MR. STEIN: All right?

13 MR. KLASSEN: All right.

14 MR. STEIN: We are in shape.

15 Thank you, Mr. Klassen.

16 MR. OEMING: That will fix you up in
17 good shape.

18 MR. STEIN: We have one major issue that
19 we are going to have to get. Let's get on with it.
20 And I don't mean research; it's alewives.

21
22 RECOMMENDATIONS #24-28

23 MR. STEIN: "24. Research be accelerated
24 in ways to reduce the rate of eutrophication."
25

EXECUTIVE SESSION

MR. OEMING: I wonder about that.

MR. STEIN: What does that mean?

MR. OEMING: Yes.

MR. STEIN: What does that mean,
gentlemen?

MR. OEMING: Aren't we trying to
reduce it by what we are trying to do here
in others? I don't know.

MR. POOLE: I wonder what is wrong
with 25 in the printed book instead of four
specific--

MR. STEIN: What page on the printed
book?

MR. MITCHELL: Sixty-seven.

MR. POOLE: Doesn't 25 cover every-
thing that is in these four and more?

MR. POSTON: Supposed to be, yes, sir.

MR. STEIN: Why don't we use that?

MR. SCHNEIDER: This was suggested--

MR. POSTON: Well, more specificity
was requested last time.

MR. OEMING: Was it?

MR. STEIN: I don't know that we got

EXECUTIVE SESSION

more specificity.

MR. POOLE: I don't either. The only thing, 25 confines the research to the paper and steel industries and they broadened that in 28, as I remember it. I don't know how much research is needed in the steel industry.

MR. STEIN: Neither do I.

Well, we can strike out those particulars.

Let me try this. How about 25 and strike out "particularly of the paper and steel industries"?

MR. MITCHELL: One of the things that I have been asking Mr. Poole about is the increased use of the method of recirculating the effluents, and I feel that it looks like a lot of industries are now trying to do that. We have noticed it somewhat in Indiana. And I don't know whether we need research to find out cheaper ways or better ways of making this available or to prove to people that it is more economical or what, but it seems to me if more and more people went to recirculation it certainly

EXECUTIVE SESSION

would reduce a lot of our pollution problems.

MR. STEIN: Yes. Well, I think they are recognizing that on the housekeeping features.

Now, again, I don't know, I defer to Mr. Poole and the experts on that in the question of research. For example, right in Chicago, Wisconsin Steel has gone to that, U.S. Steel had so much water they didn't. I think the idea of recirculation is here.

Now, you have to adapt that to the particular plant, the particular process. I am not sure that we ever would have solved this sugar beet waste problem, which you don't have here, unless we got a recirculating system. Do you want to put it in specifically?

MR. MITCHELL: I was suggesting that the two largest industries we have in the Lake Michigan area are paper and steel, and I would not want to think that--if we need research to assist them in continuing the trend of recirculation, we ought to come forth with some research, we ought not to eliminate them from the need for research.

EXECUTIVE SESSION

1
2
3 MR. STEIN: No, I don't think we are
4 eliminating them.

5 MR. MITCHELL: Someone suggested we
6 take them out.

7 MR. STEIN: No, I was suggesting
8 making the list and other--here is what it
9 is, "Improved treatment and other measures for
10 handling industrial wastes," without a bill
11 of particulars. Because once you single out
12 two industries, then here they have got several
13 more industries, they have got pulp and paper,
14 oil, and food processing. The difficulty is,
15 once you get on the list you are really
16 limiting yourself rather than doing it.

17 MR. MITCHELL: I understand.

18 MR. STEIN: Right.

19 How is 25 this way, then? Do you want
20 to put anything on recirculation? "Including
21 recirculation" I would like to put in there.

22 MR. POOLE: I don't think it would
23 hurt. It is a thing that I think we all are
24 encouraging.

25 MR. STEIN: All right, let's do that.

EXECUTIVE SESSION

Strike "particularly the paper and steel industries" and say "improved treatment and other measures for handling industrial wastes, including recirculation."

MR. POOLE: O. K.

MR. STEIN: Right? I think that is an improvement.

Right. Thank you, Mr. Mitchell.

MR. KLASSEN: May I make one other--

MR. STEIN: Yes, sir.

MR. KLASSEN: --suggestion, Mr. Chairman, an addition.

I would like to see the thought in here that we emphasize the utilization of present knowledge, intensify the use and utilization of present knowledge, and not give the image that we need a lot more research. I am not too sure we do. I would like to see some of the present knowledge put into practice that we know about.

MR. OEMING: Agreed.

MR. POSTON: Do you want to put that in a conclusion?

MR. STEIN: No, let's put that right here.

EXECUTIVE SESSION

1
2 All right, let's start this again.

3 Let's say, put:

4 "Present knowledge on pressing
5 problems on Lake Michigan--pressing problems
6 of the Lake Michigan basin be vigorously
7 employed in the control of water pollution."

8 MR. POOLE: Would you do that again,
9 please, Mr. Chairman?

10 MR. STEIN: "Present knowledge on
11 pressing problems of the Lake Michigan basin
12 be immediately employed to abate water pollution."

13 MR. POOLE: Where are you putting
14 that, at the end?

15 MR. STEIN: Right at the beginning.

16 MR. POOLE: Oh.

17 MR. OEMING: Why don't we then drop
18 down and say, "Areas in which research appears
19 to be needed to include"?

20 MR. STEIN: No, don't start--then say:
21 "Areas in which research is needed,"
22 go right on from there, right?

23 MR. OEMING: All right.

24 MR. STEIN: Right? And then we have
25

EXECUTIVE SESSION

1
2 that in perspective.

3 Is that all right? Do you see
4 where that is?

5 All right, I think that will meet
6 what Mr. Klassen has pointed out.

7 Are we in agreement with that,
8 gentlemen?

9 MR. OEMING: Now, may I suggest one
10 more thing, Mr. Chairman?

11 MR. STEIN: Yes.

12 MR. OEMING: In talking with Dr.
13 Weinberger yesterday, he indicated that he
14 was preparing some research and going into
15 some studies on nutrient removal from waste
16 stabilization lagoons. Is that important
17 enough to put in here?

18 MR. STEIN: No, I don't--this is a--
19 let me put it this way.

20 MR. OEMING: I guess you have got
21 it in here, nutrients from wastewaters.

22 MR. STEIN: Nutrients, we are going
23 out with those duck farmers on Long Island in
24 a couple of weeks, and if we can solve it there
25

EXECUTIVE SESSION

1
2 we will get it here. He knows how to do it.
3 It is a question of economics.

4 MR. OEMING: O. K.

5 MR. STEIN: A guy dealing with a
6 little old lagoon, you know.

7 MR. OEMING: O. K., skip it.

8 MR. STEIN: All right. Let's try
9 this next one.

10 MR. OEMING: Alewives?

11 MR. STEIN: Alewives.

12 MR. OEMING: Wait a minute, "Industrial
13 waste treatment"--well, that is in.
14

15 RECOMMENDATION #29

16
17 MR. STEIN: Alewives.

18 MR. OEMING: Alewives.

19 Mr. Chairman.

20 MR. STEIN: Yes.

21 MR. OEMING: If you will permit me,
22 I would like to offer a substitute for this 29.
23 And let me read it. I am sure that you can't
24 evaluate it today, but I would like to toss it
25

EXECUTIVE SESSION

1
2 into the record.

3 MR. STEIN: Go ahead.

4
5 MR. OEMING: "It is recommended that
6 the Great Lakes Basin Commission and the Great
7 Lakes Fishery Commission, in conjunction with
8 the affected States and appropriate Federal
9 agencies, develop a long-range program for
10 control and management of the alewife. How-
11 ever, in order to cope with the immediate
12 problem, it is recommended that the Federal,
13 State and local governmental agencies involved
14 should give their complete support to the
15 recommended program that is currently being
16 coordinated and developed by the Great Lakes
17 Basin Commission to make every effort to reduce
18 the damages that could be done by the most
19 likely massive die-off of alewives this coming
20 spring and summer."

21 I offer this tentatively as a sub-
22 stitute, Mr. Chairman, with the provision that
23 you may wish--I don't want to quarrel about this
24 now too much, but I would like you to have a
25 chance to look this over when it is typed up and

EXECUTIVE SESSION

1
2 see whether you could accept this as a sub-
3 stitute.

4 And let me tell you a little of
5 the background of this. First of all, the
6 Great Lakes Basin Commission is mentioned
7 here, they are active in this area in trying
8 to pull things together to take care of
9 these problems. Mr. Mitchell, who is the
10 co-chairman of a committee on the Great Lakes
11 Basin Commission, has assisted in the develop-
12 ment of the wording that I have presented
13 here, which started with my Department of
14 Conservation Director, who is also on the
15 Great Lakes Basin Commission and is active
16 in this matter.

17 This is the background.

18 MR. STEIN: Yes.

19 MR. OEMING: And I would like you
20 to accept it in this way.

21 MR. STEIN: Right.

22 MR. POSTON: Do you want copies of
23 that made and distributed here?

24 MR. OEMING: Well, it is up to you,
25

EXECUTIVE SESSION

1
2 how you want to--

3 MR. STEIN: Let's get the proposals
4 on the table.

5 Here is what we have had, and I
6 have been listening to the testimony on the
7 alewives that we have had before, been working
8 with the problem and talking to the powers-that-
9 be in Washington.

10 Now, I think we have two problems
11 as we see it here. One, we have a long-range
12 solution problem here, probably to get the
13 ecology put into balance.

14 MR. OEMING: Balance.

15 MR. STEIN: Whether it is coho salmon
16 or something else, I don't doubt that this
17 eventually will be worked out.

18 The notion, though, as I again under-
19 stand the testimony, we are going to have an
20 alewife problem, probably a severe one this
21 summer; in '69; '70 might be another peak year.
22 And for three years, at least, or perhaps more,
23 until this happens. Unless we take some real
24 action to handle the alewives, we will have
25

EXECUTIVE SESSION

1
2 these tremendous nuisance conditions this
3 summer. As the Conferees have pointed out
4 already, the death of alewives may not be
5 caused by pollution, but when they die they
6 sure cause a pollution problem.

7 Here is what we had in mind, and I
8 think unless we get to work within the next
9 couple of weeks, we are going to miss the
10 season. There are six critical weeks, as I
11 understand it. The thought was this, that if
12 we could seine these alewives while they were
13 alive before they died, we would be better off.
14 Getting these alewives out would do two things.
15 We wouldn't have dead alewives and as an
16 incidental thing, we would be lowering the
17 phosphate content of the lake.

18 The point is, what do you do with the
19 alewives? Who gets the alewives? And I think
20 we have to deal with present equipment. I was
21 just on the phone yesterday. Either we use
22 American trawlers--and I don't know that we
23 have enough. If we have to do it, we may have
24 to use foreign trawlers, such as Canadian trawlers.
25

EXECUTIVE SESSION

1
2 To do that, you may have to get an amendment
3 to the Jones Act, and Senator Proxmire of
4 Wisconsin has an amendment in and they are
5 awaiting the deliberations of the Conferees
6 to determine what the Department of the Interior
7 is going to say on that, whether we have to
8 get it or not.

9 Here was the thought. In exploring
10 this, and I am absolutely not sure of the
11 definitive figures, but I think we have a ball
12 park estimate, that it costs about \$550 to
13 keep a trawler in the water a day. There is
14 a six-day week period. Perhaps we can do
15 this for \$500 thousand. Here is the approach.

16 The Federal Government, perhaps, the
17 Federal Water Pollution Control Administration--I
18 don't know who else--will make the effort to
19 get this out of its operating funds, possibly, and
20 can come up, say, with something around a
21 quarter of a million dollars. Now, if the
22 four States will match to bring it up to a
23 half a million, and you may have to go higher,
24 but I don't know that we can go higher out of
25

EXECUTIVE SESSION

1
2 our operating funds, it won't be too much,
3 it is about \$63 thousand a State, and this
4 will mean much less than some of the proposals
5 I have heard from the various States. If
6 we can assemble a trawler fleet augmented by
7 barges, because I don't think they will be
8 able to ride up to the grinders all the time
9 and come back and make the trip, there will not
10 be enough capacity in those meal grinders to
11 take care of the alewives, and even if there
12 were we would produce so much meal we would
13 wreck the meal market.

14 So the notion is, one, we put as
15 many alewives into these meal grinders as we
16 possibly can. The States would have to supply
17 us with sites to put the alewives in a land
18 disposal unit and cover it, and this may wind
19 up as a fertilizer, and then we would have to
20 work--again think of this program as trawler
21 to barge and then the barge to a disposal system,
22 either a grinder or a site. Any of the alewives
23 which would get through the network, and I don't
24 know that we could be perfect on this, would be
25

EXECUTIVE SESSION

1
2
3 the responsibility of the cities and the
4 counties to pick up. They would have to
5 have standby equipment in the same way as
6 they have snow removal equipment. This
7 would be part of the program so when the
8 alewives--some of them are going to get
9 through--would begin hitting the beaches,
10 no one would wring their hands in anguish
11 for responsibility.

12 Where do we pick up the alewives?
13 I think we would have to rely on the State
14 fish and game departments and the Fish and
15 Wildlife Service. What I am suggesting here
16 is that if we are going to handle the alewife
17 problem this year, we immediately appoint a
18 committee. I don't care who the coordinating
19 committee is so long as you have one. Perhaps
20 we can be ready to appoint the members by
21 the time we come here next Tuesday. The
22 Federal-State committee should get together
23 within, I would say, two weeks after next
24 Tuesday with a proposal whether you can get
25 up the State money. Maybe you will want to

EXECUTIVE SESSION

1
2 look at this this weekend. Whatever you
3 do, it is going to cost money, either
4 State money or Federal money. Then come up with a
5 program where we are going to be able to work
6 on a reasonable variant of this program to
7 handle the alewife program this season.
8

9 Mr. Mitchell?

10 MR. MITCHELL: I think what you have
11 just suggested has already been done by the
12 Great Lakes Basin Committee, and Mr. Chuck
13 Stoddard, who is the Regional Coordinator
14 for the Department of the Interior, and I were
15 appointed co-chairmen with five States and
16 all four of these States plus Ohio, and we
17 met and we formed a working task force which
18 was headed up by Joe Puncachar from the Fish
19 and Wildlife Service, who works in the Com-
20 missioner's Office directly under the Commissioner,
21 and this work group came up with a six-point
22 program to take care of the dead alewife problem
23 for the summer, as well as they could work out
24 a program, and on your desk back in Washington
25 and on my desk and others back home since we

EXECUTIVE SESSION

1
2
3 have been here an invitation has been sent to
4 them for a conference to be held here in this
5 hotel on March 20th to begin the implementation
6 of such a proposed program.

7 Briefly, the program consists of
8 these points, although some of the details are
9 yet to be worked out, and so that everybody
10 knows exactly what this means back home in
11 specifics, but one is, and one thing we cannot
12 overlook, that the long range has to be given
13 high priority or we will be having massive die-
14 offs forever. That has to be done.

15 MR. STEIN: I think that is correct.
16 But the question is, sir, where is the money
17 going to come from this year?

18 MR. MITCHELL: That is right. Well,
19 there is more than just--first of all, we need
20 a good monitoring program to find out where
21 they are and in which direction they are heading,
22 and each State is being asked to supply and each
23 Federal agency is being asked to supply a portion
24 of this monitoring program, which will be co-
25 ordinated by the Bureau of Commercial Fisheries,

EXECUTIVE SESSION

1
2
3 and my people in my State are working with
4 our National Guard people to determine if we
5 can supply two weeks of aerial monitoring and
6 each State is being asked these questions now
7 back home.

8 And then the second one is that
9 Chicago had such good success in using diverting
10 techniques to keep the alewife from coming
11 into the intakes that we are asking the Chicago
12 people and one of the Fish and Wildlife people
13 to come up with a technical bulletin that will
14 be sent to all intakes people so that they can
15 apply some of the same successful methods.

16 And the other one is that we need to
17 then--we do, though, have some disagreement with
18 the comments that you made in regards to whether
19 you should make an effort of picking up live
20 alewife or dead alewife. There are six billion
21 pounds of alewife out in Lake Michigan, which
22 is about 95 percent of the total fish population,
23 and all estimates from the fisheries people is
24 that any trawling effort would just hardly be
25 noticeable, that probably the best effort ought

EXECUTIVE SESSION

1
2
3 to be applied if after you have monitored
4 you find out where the dead fish are and in
5 which direction the winds are carrying them
6 and that you then set up a priority system
7 of what areas you must prevent this if at all
8 possible, and then that you coordinate your
9 skimming operations of dead alewives in front
10 of these high priority areas.

11 MR. STEIN: How would you--

12 By the way, I made no statement,
13 I said this is a reasonable variant because
14 we had to do that. But how would you do the
15 skimming, with nets or other devices?

16 MR. MITCHELL: No, with trawlers.

17 MR. STEIN: With trawlers?

18 MR. MITCHELL: Yes.

19 MR. STEIN: Here is what I am getting
20 at, Mr. Mitchell, and I look at this from the
21 question are we going to prevent it this summer.

22 The question is, either we get all
23 these devices and a coordinating committee and
24 we ask all the people to do it and maybe it will
25 work, or else what we do, we recognize we have a

EXECUTIVE SESSION

1 crisis here, and we probably will have on Lake
2 Michigan, we pool our resources and our funds
3 and get a fleet together and put some active man
4 in charge that can call the shots. And again
5 we have no brief as to who that is.
6

7 I think your key point is we are
8 going to have to have someone in the Federal
9 Fish and Wildlife Service or the State fish
10 service who is going to have to tell us where
11 to go out and get these fish where it is going
12 to be the most productive, because this isn't
13 the kind of information or the kind of know-how
14 that is ordinarily available to water pollution
15 people.
16

17 MR. MITCHELL: The Bureau of Commercial
18 Fisheries has indicated they would be glad to
19 be chairman of the monitoring operation and
20 try to coordinate this information so that
21 we could make those decisions.

22 MR. STEIN: What I am asking, sir,
23 is how can we best get the people assigned and
24 the money assigned to the problem? You think
25 that would be best done by this other group in

EXECUTIVE SESSION

1
2 a non-water pollution control group? Because
3 if someone else wants to put up that money
4 other than Water Pollution Control and the
5 Federal Government, we would be delighted. But
6 I haven't seen any volunteers.

7 MR. MITCHELL: No, you are the first
8 from the Federal establishment to volunteer
9 any money.

10 (Laughter.)

11 MR. MITCHELL: In fact--

12 MR. STEIN: And I haven't seen any
13 State come up with any money.

14 MR. MITCHELL: And I want to be sure
15 you come to our meeting with your money because
16 I think maybe--

17 MR. STEIN: No, the question is, sir,
18 the question I am making, if we are talking about
19 coming here with money, this means our money
20 is available only on a matching basis, sort of
21 like at a charity drive. If you want to put
22 up the money to match us, we will match you.

23 But the point is, I am not sure that
24 we should not start this almost immediately and
25

EXECUTIVE SESSION

1
2
3 come forward with the plan and try to assemble in
4 the suite and put them together. Is your view
5 that you want to wait and go through this
6 mechanism of the meeting or we have to kick
7 something off right now?

8 MR. MITCHELL: No, the working group
9 headed by Mr. Puncachar is meeting next, I
10 think, Tuesday and Wednesday, I am not sure,
11 in Ann Arbor to finalize the specifics of the
12 plan. And I am certain that knowledge that
13 money is available from the FWPCA to match
14 money with the States can be reconciled and
15 developed in--

16 MR. STEIN: Not available; it may be
17 available.

18 MR. MITCHELL: All right, may be
19 available.

20 MR. STEIN: Yes. We are ready to talk
21 to you with an active program. I think the key,
22 and the figure we don't have from anyone, Mr.
23 Mitchell, is really what this is going to cost
24 this summer.

25 MR. MITCHELL: The Bureau of Commercial

EXECUTIVE SESSION

1
2 Fisheries has tried to analyze what this would
3 cost if we would talk about skimming of dead
4 alewife in front of high priority locations.

5 MR. STEIN: How much?

6 MR. MITCHELL: And they are talking
7 about less than \$500 thousand. It was 300--

8 MR. STEIN: All right. Now, what
9 are you going to do with the fish after you
10 skim them?

11 MR. MITCHELL: Then, as you have
12 already indicated, we are already in process
13 in Indiana, and I presume the other States
14 are doing the same, contacting the people who
15 have these high priority places and saying,
16 "If you want the skimming operation you will
17 have to provide the sanitary landfill to take
18 care of the fish that are collected."

19 And the other stage is that, with
20 Michigan's efforts, analyses have been made
21 of the various types of beach cleaning equip-
22 ment that seem to work, because there are
23 still going to be some come to the beaches.

24 MR. STEIN: That is right. Will that
25

EXECUTIVE SESSION

1
2 be a state and--rather, local and city respon-
3 sibility?
4

5 MR. MITCHELL: It would be proposed
6 that some State agency purchase the equipment,
7 assign an operator, and then sublease it on
8 an hourly or unit-sized basis so that each
9 community can afford the best equipment to
10 keep their beaches clean. This is being worked
11 out and cost figures are being obtained of
12 what this would be.

13 MR. STEIN: All right.

14 MR. MITCHELL: And so I would suggest
15 that no doubt if you get this money--

16 MR. STEIN: Yes. By the way, do you
17 have a suggestion of anyone now who could really
18 run this and be the operating chief of this for
19 this year?

20 MR. MITCHELL: Well, I would assume
21 that this would be finalized next Tuesday and
22 Wednesday. Right now Mr. Puncachar, of the
23 Fish and Wildlife Service, is heading up the
24 work task force.

25 MR. STEIN: Maybe he is the man.

EXECUTIVE SESSION

MR. MITCHELL: Maybe he is.

MR. STEIN: But I think we should put a man in charge and start making plans. I know we may have the problems unless we do this, and I suggest this next week. There are two factors: 1) that we put someone in charge; 2) if we are going to get up some Federal and State money for a coordinated effort, we get to work and get it up. Now, I know and have worked with you long enough in the States that I haven't seen it any easier for you to wave a magic wand and get the check finally out.

Unless we start right now, Mr. Mitchell, and unless your States start right now, we are going to miss this year. I am sure there isn't any time to waste. I think the plans we have outlined are very close to each other. If we come back here next Tuesday and endorse a man who is going to coordinate these plans and we try to see with all the four States here and the Federal Government what kind of statement we can make on getting

EXECUTIVE SESSION

1
2 the funds and matching this and getting to
3 work, I think we will be in much better shape.
4 Because I think if we are going to do this,
5 Mr. Gering, Mr. Klassen, Mr. Holmer, Mr.
6 Poole and yourself are going to have to go
7 back when you finally get through here, knock
8 on your Governor's door or your State comp-
9 troller's door and tell him what the bite is
10 going to be.

11 MR. MITCHELL: I would hope, though,
12 that we would not in that with two separate groups--

13 MR. STEIN: No, we don't want--

14 MR. MITCHELL: --recommend the State
15 agencies going back home and trying to get
16 approval--

17 MR. STEIN: No. This is precisely
18 what we do not want to do.

19 Here is our problem, sir. We would
20 be delighted if your agency, if this is the
21 appropriate agency, would do it. But here is what
22 we are faced with. The people who bore the
23 brunt of this last year when we had the alewife
24 problem were the pollution control agencies.
25

EXECUTIVE SESSION

1
2 There is no way we can absolve ourselves from
3 this responsibility.

4 It seems to me we have got two
5 problems. Either we are going to do the job
6 ourselves or be darned sure that someone else
7 is going to move ahead and do the job. But
8 we can't sit back and let something dissolve
9 in coordinating committees and have one of
10 these smelly summers again, because the people
11 are not going to come to these fancy commissions
12 or resources or planning groups, but they are
13 going to come to the water pollution agencies and ask
14 us how about it.

15 MR. MITCHELL: It is the same con-
16 clusion the Great Lakes Basin Commission reached,
17 and I think--well, Mr. Poston has been to our
18 meetings--

19 MR. POSTON: Yes.

20 MR. MITCHELL: You were at the meeting
21 when we discussed this, I believe, and Mr.
22 Stoddard, who represents this group on there
23 as co-chairman of the committee, and I am
24 certain that we can work out a solution that
25

EXECUTIVE SESSION

certainly would take advantage of your offer.

MR. STEIN: I don't want to bandy names around, but I have known Chuck Stoddard for a long time and he is an active go-go guy. He may be your man.

Is ne here? I haven't seen him.

MR. MITCHELL: No, he is not here.

MR. STEIN: Why don't the States and you get together? I am certain that the sooner we put a man in charge to assemble this, the sooner we are going to be able to get up a definitive budget; the sooner we are going to be able to go back to our respective agencies and get the money; and the sooner we are going to be able to assemble the trawler fleet. If we don't start now, every day lost is going to be tough, because we are going to have to make the hard, crunchy decision whether we have enough American trawlers or we have to go somewhere else and get them. If we do, we are going to have to try to get a bill through the Congress and we are going to have to get certain real

EXECUTIVE SESSION

1
2
3 commitments on these land disposal sites and
4 the States are going to have to be satisfied that
5 we have got enough earth-moving equipment there
6 to cover up the alewives when they hit the site.
7 And I don't think, given all those tests, that
8 there is any time to be lost.

9 MR. MITCHELL: We already have a man
10 assigned to this full time in Indiana who is
11 trying to work out our responsibility.

12 MR. STEIN: Yes. I think what we all
13 have to agree on is the--I don't think we are
14 going to have trouble getting a Federal man or
15 a State man. What we need is a central man
16 that we can all agree on and who is going to take
17 this job on.

18 Could you contact this group and see
19 if we can be almost ready to go by next Tuesday,
20 at least with some assignments, and I would hope
21 budget so we can begin talking money? Because
22 without money we are not going to do it.

23 MR. OEMING: This matter, then, Mr.
24 Chairman, is laid on the table until Tuesday
25 to permit Mr. Mitchell to give some evaluation to

EXECUTIVE SESSION

1
2 the questions you have raised here, that have
3 been raised, and we discuss it further on
4 Tuesday, is that the--

5 MR. STEIN: Mr. Mitchell, would you
6 and Indiana and your group come back with a
7 proposal, and I think the proposal, the long-
8 range one, won't be hard to work out. But the
9 other proposal should be a definitive proposal
10 of who is going to coordinate the thing, what
11 you expect the Federal Government and the States
12 and the communities to do in order to get this
13 alewife problem solved, and maybe we can all
14 subscribe to that when we come back on Tuesday.
15 O. K.?

16 MR. MITCHELL: I beg to differ with
17 you on the long-range program; it won't be
18 easy to work out. The long-range program
19 requires considerable amount of Federal
20 appropriation for lamprey control and for
21 stocking of predator fish which has not been
22 forthcoming, and if we don't get it forthcoming
23 we are not going to solve the problem.

24 MR. STEIN: Sir, here is what I meant,
25

EXECUTIVE SESSION

1
2 and I am sorry. I meant the recommendation
3 won't be hard to work out.

4 MR. MITCHELL: All right.

5 MR. STEIN: Because we are in agreement.

6 MR. OEMING: I think this is the best
7 way to leave this.

8 MR. STEIN: But as operators, let me
9 put it this way: You understand, sir, that
10 for the long-range problem, as far as we in
11 water pollution are concerned, the long-range
12 solution of the alewife problem will rest in
13 other people's hands other than the water
14 pollution agencies, and it is very easy to
15 make a recommendation when someone else is going
16 to do the work and get the money.

17 The way we are going to be judged is
18 if we are going to stop pollution this year,
19 next year, and the year after. Where pollution
20 is, there we have to put in the work, there
21 we have to put up the money, and there we have
22 to work as operating agencies. This is where
23 we are going to have to show our mettle as
24 water pollution people, and I think we are going
25

EXECUTIVE SESSION

to have to do that very soon.

All right.

MR. OEMING: Good enough.

MR. STEIN: If we are set on that,
let me get the last point, progress meetings.

RECOMMENDATION #30-32

MR. OEMING: Do you want six-months
progress meetings, is that it?

MR. STEIN: I would suggest until we
get this case squared away and we have so much
in Lake Michigan that we have progress meetings
every six months until the Conferees decide--

MR. OEMING: Otherwise?

MR. STEIN: --they want them for a
longer period. We have used this in other
cases.

Our experience has been in St. Louis
and in, oh, the lower end of the lake and in
other places that after the first two or three
progress meetings we don't have to have them
that frequently anymore. But I think with all

EXECUTIVE SESSION

1
2
3 the problems and the pressures we are going to
4 have here, we should have progress meetings to
5 be held on a six-months basis unless the Con-
6 ferees decide they want to hold them on a
7 different basis and the conference to be re-
8 convened at the call of the Chairman. O. K.?

9 Yes, sir.

10 MR. HOLMER: Mr. Chairman, I have been
11 unaccustomedly quiet this morning, as you may
12 have observed.

13 There were some here yesterday who
14 I believe misunderstood Wisconsin's motivation
15 and intent in endeavoring to strengthen the
16 recommendations of this conference and the
17 summary of its conclusions and findings. This
18 seemed to center about the desire of Wisconsin
19 to comply with the Federal Water Pollution Control
20 statute to include some reference to reasons
21 for delays.

22 I find that phrase appearing here in
23 Recommendation #30, and I want to assure my
24 fellow Conferees that Wisconsin hopes never
25 to use those three words and would be perfectly

EXECUTIVE SESSION

1
2 happy to see them deleted from Recommendation
3 30, but I think I would not make such a motion.
4 I find this recommendation perfectly acceptable.
5

6 But I did want to clarify our intent
7 to proceed vigorously and aggressively with
8 our program to protect the quality of the
9 waters of Lake Michigan, and nothing we did
10 yesterday was intended in any way to deter us
11 from that goal.

12 MR. STEIN: Right. By the way, I
13 think that should be clear; I think I understood
14 what you said. The statute talked about reasons
15 for delays, and as far as I understand it means
16 reason for delays in the past, which was just a
17 factual statement. I didn't have any problem
18 with this. Anyone who wants to equate that as
19 being a reason for delay in the future and as
20 excuse for delay in the future I think is mis-
21 reading the statute and misreading the intent or
22 the plain words of what any Conferees said.

23 I don't know that we need the progress
24 reports in dealing with reasons for delays in the
25 progress meetings. I would just say that 30

EXECUTIVE SESSION

1
2
3 should read that:

4 "Progress meetings be held at least
5 semi-annually unless the Conferees agree on
6 another schedule."

7 And 31:

8 "The conference will be reconvened
9 at the call of the Chairman."

10 I don't know that we should give a
11 charter in the progress meetings as reasons
12 for delays. This is one of the places I don't
13 think it should be. Right.

14 MR. KLASSEN: The only difference is,
15 Mr. Chairman, in this if there are any reasons
16 for delay, the State in their report is assuming
17 the responsibilities for those reasons and not
18 the entire conference.

19 MR. STEIN: Right.

20 MR. KLASSEN: That is the main dif-
21 ference.

22 MR. STEIN: Right. And they will be
23 questioned on that too.

24 MR. KLASSEN: That is right.

25 MR. STEIN: If there are reasons.

EXECUTIVE SESSION

But I think--

MR. KLASSEN: I think it ought to
be in 30.

MR. STEIN: You do?

MR. KLASSEN: Yes.

MR. STEIN: You want this detail in 30?

MR. KLASSEN: Well--

MR. STEIN: Well, all right.

MR. OEMING: We give them anyhow.

MR. KLASSEN: We give them anyway.

MR. STEIN: All right. I have no
objection to that, if you want it.

MR. OEMING: Acts of God, war some
place.

MR. STEIN: All right.

MR. POOLE: Now, what are you going
to do? Are you revising 30 and 31 and 32 or
are you leaving them as they are?

MR. STEIN: Let me read them as we
are going to have them for you:

"30. Progress meetings be held at
least every six months unless the Conferees
decide on another schedule for such meetings.

EXECUTIVE SESSION

At these meetings progress reports will be submitted by the Conferees"--and I think this isn't just the States because we have got Federal installations--"by the Conferees that list the pollution sources, remedial phases completed, reasons for delay, and dates that abatement of-- completion of abatement work are expected."

"31. The conference will be reconvened at the call of the Chairman."

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: I would offer for the consideration of the Conferees and you as Chairman one additional either comment, conclusion or recommendation, and that is that the Conferees urge full implementation of the fund-- or full funding of the authorizations in the Federal Water Pollution Control Act.

MR. STEIN: How about the four States making that recommendation? The provision we have is, as you know, by restriction.

MR. OEMING: Yes, I understand your problem.

EXECUTIVE SESSION

MR. STEIN: Right.

MR. OEMING: But I throw this out
for the consideration of the Conferees. You
can handle it some way--

MR. STEIN: No, we have handled this
before, but is this something that the four
States want to join in?

MR. POOLE: Yes.

MR. HOLMER: Yes.

MR. STEIN: We will draw one up like
that. We have had these in other conferences
for your consideration.

MR. OEMING: I think the Governors
have all presented this argument, we have too
in our presentation.

MR. STEIN: Right.

MR. OEMING: Do you agree?

MR. KLASSEN: What?

MR. OEMING: Are you agreed that we
should have as the four States a recommendation
that urges full implementation of the authori-
zations in the Federal Act for grants?

MR. STEIN: All right.

EXECUTIVE SESSION

MR. KLASSEN: As an added to, but
not gear the whole program--

MR. OEMING: Oh, no, no.

MR. KLASSEN: --to Federal grants,
yes. All right.

MR. OEMING: No, no, this just stands
by itself, that we are urging.

MR. KLASSEN: Yes.

MR. OEMING: All right.

MR. STEIN: Mr. Klassen?

MR. SCHNEIDER: Are you talking about
construction grants or as a whole?

MR. OEMING: Construction grants.
Construction grants.

MR. STEIN: All right.

MR. POSTON: I have a recommendation
here for #22 on surveillance, and I would like
to read it to you.

RECOMMENDATION #22

MR. POSTON: "Representatives of the
four States and the Federal Water Pollution Control

EXECUTIVE SESSION

Administration agree to meet within 60 days for the purpose of developing a plan to undertake a lakewide surveillance program designed to provide a continuing assessment of water quality. Such information would provide a baseline from which improvements or other--or further deterioration of the--

MR. STEIN: You don't need that.

MR. POSTON: --open waters of Lake Michigan would be measured.

MR. OEMING: You don't need that last part, Wally.

MR. STEIN: You don't need it. How about cutting out the self-serving statements?

(Laughter.)

MR. STEIN: We have had so many baselines for improvement through the years and gotten millions of dollars from State legislatures or the Congress to show a baseline for improvement and the lake has gotten worse all the time. Let's not jinx ourselves.

MR. OEMING: Would it weaken you to drop that?

EXECUTIVE SESSION

1
2 MR. POSTON: No, no.

3 MR. OEMING: Just say we are going
4 to meet and have a--

5 MR. STEIN: Yes.

6 MR. POSTON: This surveillance program
7 would consider the use of aerial reconnaissance
8 and other scientific techniques as new tools in
9 this undertaking, new techniques such as infrared
10 and color film photography.

11 MR. STEIN: Haven't we got this here?
12 What this adds is this is the pitch, and I
13 suspect you would get this out, but we did
14 make a recommendation that we would hope that
15 the States and we would work out a coordinated
16 monitoring program.

17 MR. OEMING: That is right.

18 MR. STEIN: But they would have
19 monitoring at the major tributaries--would you
20 mind waiting? Thank you.

21 But we would have monitoring at the
22 tributaries, the States would do that, and we
23 try to do the open lake and try to dovetail it.

24 Now, it seems to me that the use of
25

EXECUTIVE SESSION

1
2 infrared photography or any other improved
3 technique or the notions you have are the
4 kind of details that the technical committee
5 might come up with, and I don't know that you
6 would want to be specific on those unless you
7 had some.

8
9 MR. OEMING: Mr. Chairman, I would buy
10 about half of this, the first portion:

11 "Representatives of the four States
12 and the FWPCA agree to meet within 60 days for
13 the purpose of developing a plan to undertake
14 a lakewide surveillance program designed to
15 provide continuing assessment of water quality"
16 period. Or "coordinated."

17 MR. POOLE: I have just been listening
18 to this, Mr. Chairman.

19 MR. STEIN: Yes.

20 MR. POOLE: I am not prepared to get
21 it all cluttered up with infrared at this moment.
22 I am certainly willing to consider it.

23 MR. STEIN: Yes.

24 Well, if you go back to surveillance
25 on 20, are you suggesting that as a substitute

EXECUTIVE SESSION

1
2 for what we have already done?

3 MR. POSTON: We said we would handle
4 this by a committee, didn't we?

5 MR. STEIN: Yes. What is the dif-
6 ference with this and what we have already
7 decided, Mr. Poston? What is the difference?

8 MR. KLASSEN: It speeds it up, for
9 one thing.

10 MR. POSTON: Speeds it up.

11 MR. STEIN: You mean you have added
12 the 60 days?

13 MR. KLASSEN: Added the 60 days and
14 recognized some techniques that could be used.

15 MR. OEMING: I don't want to be
16 bombed with techniques yet.

17 MR. STEIN: No, this is the question.
18 Don't you think the committee should--

19 MR. OEMING: I think we are able to
20 judge techniques. We don't have to be told what
21 techniques we should consider.

22 MR. STEIN: All right.

23 MR. KLASSEN: Assuming the committee
24 gets moving on it.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: If there is any substantial
4 difference between that and what we have already
5 decided for 20, we will put it in. The only
6 thing I can decide at the present time is the 60
7 days, and I am not sure who wrote that, but he
8 might have an interest in an airplane company.

9 (Laughter.)

10 MR. OEMING: You are suspicious, Mr.
11 Chairman.

12 MR. STEIN: O. K.

13 Are there any other comments?

14 MR. POSTON: I would like to go back
15 to this one on dredging and get clarified in
16 my mind what came out of that.

17 MR. OEMING: Oh, me.

18 MR. KLASSEN: We are going to have a
19 restatement ready for Tuesday, is my understanding.

20 MR. STEIN: Right.

21 MR. OEMING: Yes.

22 MR. STEIN: You are going to have a re-
23 statement ready for Tuesday. Right?

24 MR. KLASSEN: Right.

25 MR. POSTON: Who is going to do that?

EXECUTIVE SESSION

1
2
3 MR. STEIN: Well, that is what I was
4 going to suggest. I think we have got these,
5 I would hope that we would be able to get the
6 points in draft form from Mrs. Rankin. I don't
7 know if we can get these from her today.

8 But I will tell you what our plans
9 are. I am going to try to be here about noon
10 on Monday. Mr. Poston, I would suspect by
11 this time, by working with Mrs. Rankin and
12 the girls, that you would have a list of the
13 recommendations. I am going to try to go over
14 them, and as you know in these things I wear
15 many hats and my oldest hat is just by being
16 a draftsman. I am not going to change anything,
17 but I am going to try to draft it the way we
18 have. And as you know, I can argue something,
19 but when I adopt my drafting hat, I just draft.

20 And we will attempt by Monday after-
21 noon to have a draft of this completed.

22 Now, if any of you come into town on
23 Monday afternoon, get in touch with the regional
24 office, that may be your best base, to see where
25 we are, and as soon as we get this material

EXECUTIVE SESSION

1
2 available, we will be able to get the draft
3 to the Conferees and hopefully you will be
4 able to look at these on Monday when you
5 come in or tonight. I would hope, if we have
6 done our work well, there will be no surprises.

7 In other words, I am going to give
8 you back what you said and no additions or
9 modifications. I am going to try to put it
10 in a clear and succinct form and get it back
11 to you.

12 O. K.?

13 MR. OEMING: Fine.

14 MR. STEIN: All right.

15 What time do you want to reconvene
16 on Tuesday? Ten o'clock?

17 Ten o'clock. Indiana has a problem.
18 They can't get here before.

19 MR. OEMING: I thought he had a problem
20 about 10.

21 MR. KLASSEN: Well, I would prefer
22 to meet at 11, but--

23 MR. STEIN: All right. Let's not--

24 MR. KLASSEN: We won't quibble over
25

EXECUTIVE SESSION

an hour. I will either be here or be represented at 10, but if I am not here, I will be here shortly after.

MR. OEMING: We are going to meet at 10 o'clock on Tuesday?

MR. STEIN: Ten o'clock on Tuesday in this hotel, the room to be announced. They have a couple of big conventions in town next week, lumbermen or something, but they will squeeze us in somewhere.

Gentlemen, let's see if we can do this, I hope we can, in one day, but I would like a commitment. And I would hope that the next session would be the last one we need to get our conclusions and recommendations out and we will not have to adjourn. I will ask that we either be prepared to do this, agree or disagree, or I am going to ask you to sit until we come to that judgment and not go home. O. K.?

Thank you. With that we are recessed until 10 o'clock Tuesday.

(Whereupon, at 11:15 a.m., an adjournment was taken until 10 a.m., Tuesday, March 12, 1968.)

1 The Executive Session of the Conference
2 on the Matter of Pollution of Lake Michigan, and its
3 Tributary Basins, reconvened at 10 o'clock a.m., on
4 March 12, 1968, at the Sherman House, Chicago, Illinois.

5
6 CHAIRMAN:

7 Murray Stein
8 Asst. Commissioner for Enforcement
9 Federal Water Pollution Control Adm.
10 U. S. Department of the Interior
11 Washington, D. C.

12
13 CONFEREES:

14 FEDERAL:

15 H. W. Poston, Regional Director
16 Great Lakes Region
17 Federal Water Pollution Control Adm.
18 U. S. Department of the Interior
19 Chicago, Illinois

20 Assisted by:

21 Robert J. Schneider, Deputy Regional Director
22 Great Lakes Region
23 Federal Water Pollution Control Adm.
24 U. S. Department of the Interior
25 Chicago, Illinois

26 STATE OF ILLINOIS:

27 Clarence W. Klassen, Technical Secretary
28 Illinois Sanitary Water Board
29 Springfield, Illinois

30 Assisted by:

31 Benn J. Leland, Sanitary Engineer
32 Illinois Sanitary Water Board
33 Chicago, Illinois

1 **CONFEREES (CONTINUED):**

2 **STATE OF INDIANA:**

3 John E. Mitchell, Director
4 Indiana Department of Natural Resources
5 Indianapolis, Indiana

6 and

7 Blucher Poole, Technical Secretary
8 Indiana Stream Pollution Control Board
9 Indianapolis, Indiana

10 Assisted by:

11 Perry E. Miller, Assistant Director
12 Division of Sanitary Engineering
13 Indiana State Board of Health
14 Indianapolis, Indiana

15 **STATE OF MICHIGAN:**

16 Loring F. Oeming, Executive Secretary
17 Michigan Water Resources Commission
18 Lansing, Michigan

19 Assisted by:

20 Ralph W. Purdy, Chief Engineer
21 Michigan Water Resources Commission
22 Lansing, Michigan

23 **STATE OF WISCONSIN:**

24 Freeman Holmer, Administrator
25 Division of Resource Development
26 Department of Natural Resources
27 Madison, Wisconsin

28 Assisted by:

29 Theodore F. Wisniewski
30 Assistant to the Administrator
31 Division of Resource Development
32 Department of Natural Resources
33 Madison, Wisconsin

34 - - -

OTHERS IN ATTENDANCE:

Herbert D. Falk
Municipal Management Consultant
P & W Engineers, Inc.
Chicago, Illinois

S. A. Foust
Union Carbide
Whiting, Indiana

James W. Jardine
Commissioner of Water & Sewers
City of Chicago
Chicago, Illinois

James E. Kerrigin
Assistant to Director
Water Resources Center
University of Wisconsin
Hydraulic & Sanitation Laboratory
Madison, Wisconsin

Ragner Kummer
775 Van Buren
Gary, Indiana

R. C. Mallatt, Coordinator
Air & Water Conservation
American Oil Company
Chicago, Illinois

P. J. Marschall, Consultant
Abbott Laboratories
Wilmette, Illinois

J. H. Miller, Chief Engineer
Wisconsin Steel
Chicago, Illinois

Eugene A. Pilon, President
Lake Excursions, Inc.
Milwaukee, Wisconsin

Stan Twardy, Coordinator
Air & Water Conservation
Standard Oil
Chicago, Illinois

OTHERS IN ATTENDANCE (CONTINUED):

R. V. Weil
Assistant Manager - Engineering
Sinclair Refining
Harvey, Illinois

Howard Zar
University of Chicago
Chicago, Illinois

- - -

EXECUTIVE SESSION

(Due to inclement weather, Mr. Mitchell, Mr. Poole, Mr. Miller, Mr. Oeming, and Mr. Purdy were not present when the session reconvened. The record will show at what point in the proceedings they arrived.)

MR. STEIN: I would recommend that without making any prejudgments here, it may be productive--and I have no notion when these people come in, they may be very late--we may put the time to good use if you would go over this and if there are any suggestions that we can put in, we will.

Again, let me indicate that what we tried to do here, I hope, was come up with a draft reflecting the judgment of the Conferees, and we did not try to put any new thoughts in or add anything new or change anything. So if this could be stated better, and I see some parts in here where it could be stated better now, or it could be clearer or it could put our ideas forth better, we would be glad to have that, and then we can wait until the other Conferees come over before we adopt them.

MR. KLASSEN: Mr. Chairman, this is off the record.

EXECUTIVE SESSION

(Off the record.)

CONCLUSION #16

MR. STEIN: We did make certain minor changes in the conclusions. I think this was a relatively straightforward typing job. The recommendations are the ones that we will go over, except the last conclusion, and I would like to present to you--I am not sure Illinois would have the problem, probably this is an Indiana problem--the one that reads:

"16. Federal enforcement actions already in effect on the Menominee"--Menominee? Where did that come from? Oh--"the Menominee and the Calumet River area remain in full force and effect and are thus supplemented but not superceded"--"seded" that should be--"by this"--I would say "by this conference" there, first of all.

It don't think Wisconsin or Michigan or Illinois will have any trouble. The word is "full force and effect." I don't know what--

EXECUTIVE SESSION

1
2
3 MR. HOLMER: I have a problem with
4 the word "superseded" even now. Do you want
5 to change "c" to "s"?

6 MR. STEIN: Pardon?

7 MR. HOLMER: S-u-p-e-r-s-e-d-e-d.

8 MR. STEIN: Right, thanks.

9 That is the only one, I think, on
10 which you may have an issue. I think as far
11 as Illinois is concerned, and I think Wisconsin
12 is concerned, on the Menominee and the Calumet
13 River cases we have a reasonable solution.
14 Particularly in the Menominee, I don't look
15 for a reconvening of that. But other than
16 that, I don't think they are--

17 MR. LELAND: Did you change "superseded
18 by this"--

19 MR. STEIN: --"by this conference," yes.

20 MR. LELAND: Instead of "enforcement
21 action"?

22 MR. STEIN: Yes, "conference" instead
23 of "enforcement action." And I don't know if
24 Indiana would have trouble with that "full force
25 and effect" or not.

EXECUTIVE SESSION

We might have a more colorless one by saying, and I think this is just a general statement, "and the Calumet River area are supplemented but not superseded by this conference," and leave out the other stuff.

What do you think of that?

All right, leave it.

Strike "remain in full force and effect and are thus" and put in "are supplemented but not superseded by this conference," and just let's make that a flat statement, because I am anticipating we obviously don't have the record here to make any judgments on that Calumet conference. The others don't present a problem of that type.

So with that change, let's see if we can do that.

Now, any other? In looking over the other one, I think a key recommendation, and I ask it possibly from almost a literary point of view, I am not sure that that #1 is abundantly clear. Number One under Recommendations.

(Off the record.)

EXECUTIVE SESSION

RECOMMENDATION #1

MR. STEIN: Looking this over, we might consider putting a period in Recommendation #1 after the word "quality" and then put "such waste treatment will provide" and a period after "Wisconsin" and this to start a new sentence. And I think that will stop that mouthful. O. K.?

MR. HOLMER: The last sentence, "This action is to be accomplished."

MR. STEIN: Yes. Now, because of the change, we don't have verbs in all of these. Some read full sentences, some "to be." We can go through that and adjust that as we go along, if you wish.

But you will find this throughout the recommendations. Some of them are complete sentences and some are phrases without the complete verb.

All right. "Is to be," let's do that. In other words, we have a period after "quality," then "Such waste treatment will"--"that" is

EXECUTIVE SESSION

1
2 crossed out--a period after "Wisconsin. This
3 action is to be accomplished."

4 O. K. I think that reads a lot better.

5 MR. POSTON: How about total phosphorus?
6 Phosphorus is really--

7 MR. STEIN: Phosphorus instead of
8 phosphates?

9 MR. POSTON: Yes.

10 MR. STEIN: All right. Years ago
11 Klassen used to run these glossaries. I wish
12 you would do that lately so I can understand
13 your terms.

14 O. K. Let me read the first one
15 again just for size the way we have it:

16 "Waste treatment be provided"--if we
17 are going to follow your view, and maybe we
18 should be consistent about this, Mr. Holmer,
19 we should say "Waste treatment is to be?"

20 MR. HOLMER: I would prefer it.

21 MR. STEIN: All right.

22 "--is to be provided by all munici-
23 palities to achieve at least 80 percent reduction
24 of total phosphorus and to produce an effluent
25

EXECUTIVE SESSION

1
2 which will not result in degradation of Lake
3 Michigan's waters. Such waste treatment will
4 provide compliance with the water quality
5 standards for Lake Michigan as approved by
6 the Secretary of the Interior and the appropriate
7 State water pollution control agencies of Illinois,
8 Indiana, Michigan or Wisconsin. This action
9 is to be accomplished as soon as possible, but
10 not later than December 1972."

11 MR. KLASSEN: Murray, you left out
12 "Lake Michigan's water"--you left out "quality."
13 Did you--

14 MR. STEIN: Inadvertently. I am sorry.

15 MR. KLASSEN: All right.

16 MR. STEIN: O. K.

17 Now, if we can go down to 2, let's
18 see if we can try to perfect that.

19
20 RECOMMENDATION #2

21
22 MR. STEIN: Let's put a period after
23 "Wisconsin" at least and say "This action,"
24 same thing, instead of that dash.
25

EXECUTIVE SESSION

All right?

MR. HOLMER: In the first line after "systems" I would insert a "to" and then if you go to the third line, after "and" instead of "that will" if you put another "to," then you have got your verb forms in a little more clearly.

MR. STEIN: Where is the--

MR. HOLMER: The first one would be after "sewer systems."

MR. STEIN: Yes. Yes, that is right.

MR. HOLMER: And then "and to meet the water quality standards for Lake Michigan" in the third line.

MR. STEIN: --"and to meet." Yes, that is better.

All right. Have we all got that?

MR. COOK: Murray, would it be a good idea to have someone sit in and correct copies for Poole and Oeming when they come in?

MR. STEIN: Yes, someone should work along with us.

We may have more time than you imagine on it.

EXECUTIVE SESSION

(Laughter.)

MR. POSTON: I think you need an "are to."

MR. STEIN: --"are to," how about that, "sewer systems are to"?

MR. HOLMER: All right.

MR. LELAND: Which line are you on?

MR. POSTON: Line 1 of #2, "Industries not connected to municipal sewer systems are to provide"--

MR. STEIN: Well, then we have got something, you know. Is that all right?

MR. HOLMER: It tracks fairly well.

MR. STEIN: All right.

MR. LELAND: You want a "to" in the third line also?

MR. STEIN: Yes, we have got the "to" in the third line, "and to."

All right, I think that is clear enough.

RECOMMENDATION #3

EXECUTIVE SESSION

1
2 MR. STEIN: Then let's go on to 3.

3 MR. HOLMER: The second line, the word
4 "identify," I think we have done that. I think
5 what you want is a list. In other words, "Within
6 six months each State water pollution control
7 agency shall identify the municipal and industrial
8 sources"--

9 MR. STEIN: Yes.

10 MR. HOLMER: Wouldn't the verb "list"
11 in lieu of "identify" be more sensitive of our
12 feelings?

13 MR. STEIN: All right, let's put "list."

14 Let me give you a notion of what I think
15 we have to do since we are in this list business.
16 I think we have to list all the sources in the
17 basin. Those that are not contributing to the
18 degradation of the waters we put off and we make
19 it clear, in other words, that there is no
20 argument, that if you have an upstream city
21 that is not contributing to the degradation, we
22 all agree with it. And I think this is where we
23 can create a lot of public confusion and also
24 not move the program forward.
25

EXECUTIVE SESSION

1
2
3 In other words, if we are in agreement
4 that this city is not within the scope of the
5 conference as a degradation, the first meeting
6 we agree and as far as I am concerned they are
7 off and we are through with that city or industry
8 completely.

9 Then we have another list contributing.
10 With that list they are either going to have to
11 do some work or they have already put in
12 satisfactory treatment facilities. As we come
13 back to these progress meetings, that list will
14 be whittled down until they are gone.

15 But the first list, what we have to
16 come to an agreement with--and this is the worst
17 kind of thing we can do for ourselves and the
18 public--is for one party to put out a city on
19 a list saying, yes, they are in it, and the
20 other one saying they are not in it, and the
21 innocent bystander is the city and the industry
22 concerned. I think we should make that definite
23 and whittle down this list as soon as we can,
24 and I think the first ones to do that are the
25 State agencies.

EXECUTIVE SESSION

1
2
3 If anyone has a complaint about the
4 State evaluation of this, let's hear them. And
5 if they don't, we will have something to go with,
6 and I think hopefully at the first meeting will
7 be the big cut, we will get that list down to
8 manageable proportions. I suspect that when
9 we get that down, cut that down, that will be a
10 real good indication of the progress we are
11 making.

12 MR. HOLMER: Then shouldn't the list
13 be identified as one of discharges of wastewater
14 rather than--

15 MR. STEIN: Sources of waste contributing
16 pollution to the Lake Michigan basin.

17 MR. HOLMER: Contributing pollution.

18 We have a lot of municipalities and
19 industries who are doing a good job, and I am
20 sure every other State does, and they hate to
21 find themselves listed as polluters when they--

22 MR. STEIN: All right, contributing
23 wastewater. Right?

24 MR. HOLMER: Yes, or discharging
25 wastewater.

EXECUTIVE SESSION

MR. STEIN: Discharging wastewater.

All right.

All right.

MR. LELAND: --"shall list the
municipal"--

MR. STEIN: --"and industrial sources
of waste discharging wastewater."

MR. LELAND: --"sources of waste dis-
charging wastewater"?

MR. STEIN: --"list the municipal
and industrial sources"--cross out "of waste"--
"discharging wastewater." O. K.?

All right.

MR. POSTON: I don't think that sounds
very good.

MR. STEIN: Why?

MR. POSTON: "The list of municipalities
and industries" would be better.

MR. STEIN: Right.

MR. POSTON: "Discharging wastewater."

MR. STEIN: Yes. "municipalities
and industries," all right, "discharging waste-
water." That is better.

EXECUTIVE SESSION

And hopefully, the first list will include a tremendous number of municipalities and industries which, as far as this enforcement conference, are free and clear.

O. K.? And I think the rest of that might be all right.

RECOMMENDATION #4

MR. STEIN: Four, it should be "is to be provided." "This action is to be accomplished."

RECOMMENDATION #5

MR. STEIN: And 5 reads, "Unified... serving contiguous urban areas ought to be encouraged."

RECOMMENDATION #6

MR. STEIN: "Adjustable overflow regulating devices are to be installed."

EXECUTIVE SESSION

MR. SCHNEIDER: Shouldn't #4 be
"disinfection is to be"?

MR. STEIN: Yes, I said that.

MR. SCHNEIDER: Oh.

MR. STEIN:--"are to be installed and
so designed."

And the last sentence, "This action
is to be taken as soon as possible."

RECOMMENDATION #7

MR. STEIN: 7. "Effective immediately,
combined sewers are to be."

And last sentence, "Pollution from
combined sewers is to be."

RECOMMENDATION #8

MR. STEIN: And 8, after "municipal
sewer systems," "is to be."

RECOMMENDATION #9

EXECUTIVE SESSION

MR. STEIN: And on 9, "Continuous disinfection is to be provided."

RECOMMENDATION #10

MR. STEIN: Now, "This group will"-- and I hope that "will" is a declaratory will. We all recognize that when we say we will meet with the Atomic Energy Commission, maybe we had better put "representatives" after "Commission."

MR. HOLMER: I have a little problem on the bottom of page 2--

MR. STEIN: Yes.

MR. HOLMER: --with the words "for dealing with."

MR. STEIN: What number?

MR. HOLMER: Number 10, just the last line.

MR. STEIN: Yes.

MR. HOLMER: --"set up a special committee for dealing with." That is kind of a loose phrase.

MR. STEIN: All right.

MR. HOLMER: I have a quick suggestion.

EXECUTIVE SESSION

Is this to do the research on sources or is it to set up regulations?

MR. STEIN: I think it is to--

MR. HOLMER: Or to do both?

MR. STEIN: I hope it is not to--I don't know that you are going to have the technical people--

MR. HOLMER: No.

MR. STEIN: --to do the research.

As I visualize it, there are two problems, main problems, that you are going to have here now. One is to determine what, if any, should be the requirements for heat discharges from the plants, and the second, what, if any, you are going to allow to be the radioactive content of the wastewater or you want to have a closed system.

I would suspect that on this you would want to--you would necessarily have to sit as a group or have them evaluate the advice of the experts in the field.

MR. HOLMER: O. K. I would make a suggestion, then.

EXECUTIVE SESSION

1
2
3 MR. STEIN: Yes.

4 MR. HOLMER: That deleting the "for
5 dealing with both" and simply call it a special
6 committee on the nuclear discharges and thermal
7 pollution.

8 MR. STEIN: All right, that is better.
9 Right. Thanks.

10 MR. COOK: Murray, I have the word
11 on these other people, if you want it.

12 MR. STEIN: Yes.

13 (Off the record.)

14 MR. STEIN: Let's get on with #10.

15 Now, "This group," I would suggest
16 "This group will meet with the representatives
17 of the Atomic Energy Commission." I think
18 this is all right. What I would say, the "will"
19 here is declaratory. Obviously you need two
20 for a meeting. I have no doubt that they will
21 meet with us, you know, but I think if we put
22 it this way it will be strong enough so we can
23 be sure of the meeting. O. K.?

24 MR. KLASSEN: Just another off the
25 record.

EXECUTIVE SESSION

(Off the record.)

(During the off-the-record discussion, Mr. Mitchell, Mr. Poole, Mr. Oeming and Mr. Purdy arrived.)

MR. STEIN: Let us just finish this one, then we can go back.

MR. HOLMER: I have several other changes to suggest in 10.

MR. STEIN: Yes.

MR. HOLMER: At the beginning, would it not be better to say the States and the Department of the Interior will appoint members of a special committee?

MR. STEIN: All right.

MR. HOLMER: --"will appoint members of" instead of "set up."

MR. STEIN: All right.

We will go back after this one, gentlemen, and pick them all up. This will save time.

MR. HOLMER: On the next page, the sentence that starts at the top of the page, instead of calling it a group, let's say the committee. We do in the next sentence.

EXECUTIVE SESSION

MR. STEIN: "This committee," all right.

MR. HOLMER: And in the last sentence, "representatives of the committee" again "will be available" instead of "this group." It sounds awfully informal, you know.

MR. STEIN: Yes. You are right. O.K.

Gentlemen, I think--

MR. OEMING: Mr. Chairman, may I make a statement?

MR. STEIN: Yes.

MR. OEMING: The State of Michigan regrets the inconvenience caused this conference, but it was due to circumstances beyond our control this morning.

MR. STEIN: We recognize that.

MR. POOLE: The State of Indiana the same. We got behind a stalled truck on Dan Ryan, traffic was backed up for 50 blocks.

MR. STEIN: Well, you made it all the way up to here?

MR. POOLE: Yes.

MR. STEIN: I was worried about that.

(Off the record.)

EXECUTIVE SESSION

1
2
3 MR. STEIN: What we have done up to
4 now, we have gone over the Conclusions and up
5 to 10 in the Recommendations, but I suggest the
6 fastest thing we can do is go back. I would
7 suggest in order to give you time to think this
8 through--I don't think there are any changes.
9 Do you want them to be read?

10 MR. OEMING: If you give me about 10
11 minutes--

12 MR. STEIN: Yes.

13 MR. OEMING: --I think I can check off
14 quite a few of these, Mr. Chairman. I don't
15 know about Mr. Poole. But if we run into a
16 snag, why don't you just hold up instead of
17 trying to read it?

18 MR. STEIN: All right. Let me put
19 it this way. We changed the last conclusion, right?

20 MR. OEMING: The last? Yes.

21 MR. STEIN: Now, go back here. Let
22 me say this. "Federal enforcement actions
23 already in effect on the Menominee River and
24 the Calumet River area"--strike "remain in full
25 force and effect and are"--"are supplemented

EXECUTIVE SESSION

1
2 but not superseded by this conference." And
3 that will, I think, get us around first base.

4 Now, may I make a suggestion? I
5 do not think there are any other surprises,
6 even changes, in format in the other conclu-
7 sions. While you and Mr. Poole go over that,
8 we will stand recessed until you catch up with
9 the recommendations. O.K.?

10 MR. OEMING: I would appreciate that
11 very much, Mr. Chairman.

12 MR. POOLE: Yes.

13 MR. STEIN: Yes. We will stand
14 recessed until you give us the word. I think
15 you will find this precisely as we--if we
16 didn't, we made a mistake.

17 We will stand recessed until these
18 people are ready.

19 (Recess.)

20 MR. STEIN: Do we have any questions
21 on these conclusions?

22 MR. OEMING: Yes.
23
24
25

EXECUTIVE SESSION

CONCLUSION #10

MR. OEMING: Mr. Chairman, I have just one on the Conclusions themselves, and it is a minor one. On page 3 under item 10 where we say "coat the hulls of"--and if I remember correctly, the Chairman raised the question why are we only concerned about pleasure boats. Let's say "coat the hulls of boats."

MR. STEIN: Boats, yes.

MR. OEMING: We have gone back to pleasure here again.

MR. STEIN: Yes, that is right, strike "pleasure."

MR. OEMING: And as far as Michigan is concerned, the conclusions are acceptable to us through 16 as now placed before us.

(Mr. Miller arrived.)

MR. STEIN: How about Indiana, is that all right?

EXECUTIVE SESSION

CONCLUSION #16

MR. POOLE: Let me read what I have
for 16:

"The Federal enforcement actions
already in effect on the Menominee River area and
the Calumet River area are supplemented but not
superseded by this conference."

MR. STEIN: Right.

MR. POOLE: That is the way it is?

MR. STEIN: We took out all the color
words. Right?

MR. POOLE: That is all right. I
just wanted to make that clear.

MR. STEIN: All right, let us go over
these recommendations. We have been down to 10
without any substantive operation, but let me
give you the changes. Largely these are literary
changes.

RECOMMENDATION #1

EXECUTIVE SESSION

1
2 MR. STEIN: Recommendation 1. "Waste
3 treatment", insert "is to." After "total" the
4 word is "phosphorus," "80 percent reduction of
5 total phosphorus" instead of "phosphates."
6 All right?

7 MR. POOLE: All right.

8 MR. STEIN: O. K.: put a period after
9 "quality." It starts, "Such waste treatment,"
10 strike "that."

11 MR. OEMING: Strike the word "that"?

12 MR. STEIN: Yes, go down to "Wisconsin"
13 in the next-to-the-last line, put a period.
14 Capital "This" and after the word "action" the
15 word "is."

16 MR. OEMING: Do you want to discuss
17 these one at a time, Mr. Chairman?

18 MR. STEIN: Yes, any time you--

19 MR. OEMING: All right.

20 My notes from last week show that
21 we considered this matter of "but not later than
22 December '72," and you remember I pointed out
23 that we got some 250 communities, we got a
24 factor into this thing, plus 50 over 5,000,
25

EXECUTIVE SESSION

1
2 and I think we agreed upon "This action is
3 to be substantially accomplished by December
4 1972." That is the way my notes read.

5 Now, I am satisfied with that because
6 we have got some tailenders here that I am
7 pretty sure that logistically I can't--I just
8 from a practical standpoint can't do this.

9 MR. STEIN: All right. Is that
10 agreeable?

11 MR. OEMING: Do you recall this, Mr.
12 Chairman?

13 MR. STEIN: I recall it.

14 Is this all right?

15 MR. POOLE: Well, this would suit me
16 better, because we discussed it before we came
17 up here, and I think we can meet our 10 that
18 is over 5,000, but there are 15 below 5,000,
19 most of them down in the 1,000 to 1,500 popu-
20 lation bracket. And I don't know whether we can
21 work all that 15 in or not.

22 MR. STEIN: All right, let us--

23 MR. OEMING: May I comment a little
24 further on this?
25

EXECUTIVE SESSION

1
2
3 In order that it doesn't appear that
4 we are mishmashing around with this, if you
5 want to apply the same principle here with
6 respect to reporting on municipalities, I am
7 willing to do that, if you think this leaves
8 us too wide open. That is, the number of the
9 program that I am working on is to hit the
10 big ones first, the big producers of phosphorus
11 first. These are the ones that we want to get
12 out of the lake as fast as possible, and then
13 we will hit the smaller ones later. And if you
14 want a reporting in here, if the Conferees feel
15 that--

16 MR. STEIN: We have a reporting in
17 there.

18 MR. OEMING: O. K. Then if you do,
19 then I think that this would be consistent
20 now with your reporting on these things.

21 MR. STEIN: Let me put this as an
22 understanding. Let's see if we can do that.
23 It may be stronger if we leave it this way,
24 with the understanding that for small communi-
25 ties when you have the reporting you may want

EXECUTIVE SESSION

1
2 to go over, or do you want to do this?

3 MR. OEMING: Now, which way?

4 MR. STEIN: I don't care.

5 MR. OEMING: I would like to see it
6 "is to be substantially" and then the Conferees
7 can take a whack at our program if they don't
8 like it.

9 MR. STEIN: All right. Let me read
10 the sentence as you have done it:

11 "This action is to be substantially
12 accomplished by 1972."

13 MR. OEMING: December, yes.

14 MR. STEIN: By December you want?
15 All right.

16 MR. OEMING: Yes, that is all right.

17 MR. STEIN: --"by December 1972."

18 MR. OEMING: Yes.

19 MR. STEIN: All right.

20 The point is, and I think we are
21 going to--this is fair game, gentlemen, when
22 we come up with these progress reports and if
23 there are some of the big polluters you don't
24 have a schedule for in any way by 1972, and I
25

EXECUTIVE SESSION

am not talking about intervening events like acts of God like today, we know there are some slippages, but I think the question will be properly raised whether this is a substantial accomplishment.

MR. OEMING: I think this is right. This is my understanding.

MR. STEIN: All right.

Look at #2 at the end--oh, wait. Let me go on.

If that is correct, the last sentence reads:

"This action is to be substantially accomplished by December 1972."

RECOMMENDATION #2

MR. STEIN: "2. Industries not connected to municipal sewer systems are to". And the next sentence will be "and to", strike "that will." After "Wisconsin" put a period.

Now, do you need--

MR. POSTON: I have a suggestion, Mr.

EXECUTIVE SESSION

Chairman, and that is that we eliminate #2 by including in the first line of the first recommendation "provided by all municipalities and industries with separate outlets," and that way we would eliminate the need for #2, we would provide the same for industries as we require for municipalities.

MR. STEIN: No, I am not sure we have all the implications of that. You know.

MR. POSTON: I think what we are after is the same kind of--

MR. OEMING: I changed my mind, I changed my vote.

MR. STEIN: Wait, here, let me make this clear. In this kind of stuff we are really not writing a novel or a scenario, and repetition, so you are sure of yourself, is not to be decried. I would look at that very, very carefully before you--

MR. OEMING: Yes.

MR. STEIN: --see what you are buying. I am a little afraid of that, and I think we might have too--

EXECUTIVE SESSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

What do you people think?

Wisconsin? Would you prefer keeping
it separate?

MR. HOLMER: I think they are separate
enough that--

MR. STEIN: All right.

MR. HOLMER: --even if they said
almost the same, I would like to do it separately.

MR. STEIN: All right.

MR. POSTON: I think what I am really
trying to do is make assurance that we get
phosphate removal out of industry's waste.

MR. LELAND: Let's put it in there
then.

MR. POSTON: Pardon?

MR. LELAND: Put it in the second one
too.

MR. POSTON: Pretty hard to word. It
can be put in there.

MR. STEIN: Well, if we are talking in
terms of degradation of water quality, and the
big issue is on the cities, my notion again--I
may be mistaken on this, but whenever we have

EXECUTIVE SESSION

1
2 dealt with an industrial waste process, whether
3 it is phosphates or anything else, we have to
4 kind of tailor this. I think we can come up
5 with this 80 percent phosphate bench mark for
6 municipalities and know what we are doing.

7 I am not sure, gentlemen, in dealing
8 with industrial wastes you may want to go higher
9 or lower, depending upon the kind of operation,
10 and give ourselves a little more flexibility
11 and rely on those standards.

12 You know, this is the--well--

13 MR. OEMING: Mr. Chairman, are we
14 past that point?

15 MR. STEIN: Yes. How about your
16 last sentence?

17 MR. OEMING: Yes, I think we might be
18 pretty much inconsistent here if we didn't adopt
19 the same sentence that we have for municipalities.

20 MR. STEIN: Are you going to have any--
21 all right.

22 MR. OEMING: Well, I think you have
23 got to depend here upon the Conferees--

24 MR. STEIN: All right.
25

EXECUTIVE SESSION

1
2
3 MR. OEMING: --looking at our
4 schedules, and so on.

5 MR. STEIN: All right.

6 The last sentence will read, "This
7 action is to be substantially accomplished by
8 December 1972."

9 MR. OEMING: That is right. We
10 understand that in this case, the same as with
11 municipalities, we bring in the problems that
12 we see and tell the Conferees what we are doing.

13 MR. STEIN: Yes. All right.

14 MR. POSTON: In the case, then, of
15 industry inland, would it be anticipated that
16 we would remove phosphates out of these wastes?

17 MR. PURDY: They have got to meet the
18 water quality standards for Lake Michigan.

19 MR. STEIN: You have got to read that
20 in line with the approach we have taken, and
21 we have been through this, in line with 3. The
22 point is, if you feel that an industry is not
23 contributing to the degradation of Lake Michigan
24 and they are in the basin, put them on the first
25 list and we all agree with that, as far as I am

EXECUTIVE SESSION

concerned they are out of the case. Or if they have proper treatment, you know. I don't think there is--

MR. OEMING: I have a question of Wally.

MR. STEIN: Yes.

MR. OEMING: Does this concern you, Wally? I mean it is my concept that we would report for Michigan industries whether we have a phosphate problem at an "x" industry.

MR. STEIN: Right.

MR. OEMING: And if we do have, this affects Lake Michigan, we have got to report on it.

MR. STEIN: Right.

MR. OEMING: We are obligated to do so.

MR. STEIN: Yes.

MR. POSTON: Well, I--

MR. HOLMER: If they have got one part per million, you are not going to insist upon 80 percent removal.

MR. STEIN: And you may have, I don't know, I don't want to pick on any industry--let's

EXECUTIVE SESSION

get off the record.

(Off the record.)

MR. STEIN: So I think with industrial processes you have this. We all know of both kinds of plants on what we have to do with phosphates. In a way, we are deluding ourselves if we believe that we are going to an industrial plant area and not make a plant-by-plant analysis of the phosphate problem, and what is reasonable for them to do in that area.

If a guy is putting out a pound of phosphates a week, why would you want him to get 80 percent removal? Or if a guy is putting out 5,000 pounds an hour, 80 percent removal isn't going to begin to meet the problem. Right.

All right.

RECOMMENDATION #1

MR. HOLMER: In 1, I have been fretting about the phrase "all municipalities." This includes all incorporated places, and I don't

EXECUTIVE SESSION

1
2 want to go back up to 5,000 by any means.

3 MR. STEIN: No, no, we have a
4 definition of municipalities. Do you want to
5 strike "all"?

6 MR. HOLMER: Well, what--

7 MR. STEIN: In the act.

8 MR. HOLMER: What is the definition?
9 I have forgotten.

10 MR. STEIN: Oh, it means that any--
11 and peculiarly enough they include State as a
12 municipality--any city, county, parish that
13 has jurisdiction to run a sewage collection
14 and disposal facility. In other words--

15 MR. HOLMER: Yes.

16 MR. STEIN: In other words, they would
17 have to be eligible to come in for a Federal
18 grant to be a municipality.

19 MR. HOLMER: Well, if that is the
20 understanding--

21 MR. STEIN: Yes.

22 MR. HOLMER: --I have no objection
23 to "all," then.

24 MR. STEIN: That is right. I think
25

EXECUTIVE SESSION

1
2 the definition applying in the Federal act
3 will apply, and I don't think you are going
4 to be hit with these little outfits that don't
5 have any.

6 Yes.

7 MR. LELAND: Are you eliminating
8 utility operations?

9 MR. STEIN: No, utility operations,
10 if they have that jurisdiction, are included.
11 They are not public.

12 Well, here, if you are going to do
13 this--do you want to strike "all"?

14 MR. HOLMER: With your explanation,
15 it doesn't bother me any more.

16 MR. STEIN: Again, gentlemen, here
17 is what I want to say. I have been through
18 this--and I will say much more with our own
19 staff than you people--if you are going to
20 get the notion that we are going to write a
21 document here which is going to be designed
22 to take care of all possible operations, I
23 think we are deluding ourselves. What we have
24 to do is recognize that we are going to take
25

EXECUTIVE SESSION

joint action by the Conferees and have to utilize these in a reasonable manner. If we don't, we are going to fall apart and a court is going to tell us we are just not going to do it.

So I think on some of these points, we are kind of straining at gnats here, because anyone who tries to impose some of these interpretations is going to come a cropper. No one does that and stays in public office very long.

Let's go to 3.

RECOMMENDATION #3

MR. STEIN: "Within six months each water pollution control agency shall--strike "identify" and put the word "list"--"shall list the municipalities and industries"--then strike the rest of that line and put--"discharging wastewater," and that is it.

MR. POOLE: Read that again, because I have it marked up.

EXECUTIVE SESSION

1
2 MR. STEIN: The sentence reads, first
3 sentence:

4 "Within six months each State water
5 pollution control agency shall list the municipi-
6 palities and industries discharging wastewater
7 to the Lake Michigan basin."

8 MR. POOLE: O. K.

9 MR. STEIN: All right, that's the
10 way, and then read on. No further changes.

11 MR. OEMING: We make a complete list and
12 then we say which ones are causing--contributing,
13 in our view, to the Lake Michigan problems?

14 MR. STEIN: Right. And hopefully the
15 first go-around will really cut the list down
16 to size.

17 MR. WISNIEWSKI: Are stormwaters
18 included in your definition of wastewater?
19 Probably not, I would suggest--

20 MR. STEIN: Let me ask a question
21 here. I wouldn't think--I would hope that a
22 community upstream with stormwater isn't, but
23 let's suppose that--

24 MR. WISNIEWSKI: I was thinking of
25

EXECUTIVE SESSION

Chicago, for example, that has got stormwater running into Lake Michigan.

MR. STEIN: Yes. Yes, they are included.

MR. KLASSEN: Runoff from parking lots very often is highly polluted.

MR. STEIN: Yes, sure, right.

MR. WISNIEWSKI: Do you want to then list discharging wastewater or stormwater?

MR. STEIN: Well, wouldn't wastewater include stormwater?

MR. KLASSEN: Yes, I think so.

MR. WISNIEWSKI: If we agree on it.

MR. STEIN: Right. O. K.

MR. OEMING: Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: At the bottom of page 1, under 3, we have a repetition here now and we also have a conflict with 1 and 2, "Treatment facilities are to be completed as soon as possible but not later than 1972." Why does that have to be in there? We have already--

MR. STEIN: It doesn't. Strike the

EXECUTIVE SESSION

sentence.

All right.

All right, let's go on to #4.

RECOMMENDATION #4

MR. STEIN: #4, just some literary:

"Continuous disinfection is to be provided," "is to" after "disinfection," and the second sentence, "This action is to be."

MR. OEMING: Mr. Chairman, as I remember, we beat this around a good deal as to, first of all, the chlorination of lagoons, and I think you indicated that something ought to be in here about where the bacterial quality affects Lake Michigan. Is my recollection correct?

MR. STEIN: Yes, we did that on 9, on industrial waste effluent.

MR. OEMING: Yes, but with respect to this chlorination of all sewage effluents--

MR. STEIN: Now, here is the point, as I understand it. When we are dealing with this, first of all, the lists we are going to

EXECUTIVE SESSION

1
2 be dealing with are just the places that affect
3 Lake Michigan. In other words, this will not--
4 everything here, and we haven't repeated that
5 phrase over and over again.

6 MR. OEMING: I appreciate that.

7 MR. STEIN: In other words, if you
8 get a lagoon upstream and you by this list say
9 that it is off the list, as far as we are con-
10 cerned it is out of the case.

11 MR. OEMING: All right.

12 MR. STEIN: Now, if it deleteriously
13 affects Lake Michigan, then we have got to
14 think of it.

15 MR. OEMING: Yes.

16 MR. STEIN: O. K.?

17 MR. OEMING: I guess I am always
18 thinking about people taking things out of
19 context.

20 MR. STEIN: No, no, no. Otherwise we
21 have to repeat this every--

22 MR. OEMING: I know.

23 MR. STEIN: All right. This was not
24 intended that if you have a lagoon on the St.
25

EXECUTIVE SESSION

1
2 Joseph River way upstream or something and you
3 are not going to find a bug that is going to
4 reach the operation that it is the concern of
5 this conference anyway.

6 MR. OEMING: I see. All right, I
7 am satisfied with your interpretation.

8 MR. STEIN: Right. O. K.

9 Now, 5.

10 MR. LELAND: Murray?

11 MR. STEIN: Yes, sir.

12 MR. LELAND: Chlorination in the Calumet
13 River area is already or should be an accomplished
14 fact. You have covered it in the conclusion in 16.

15 MR. STEIN: Yes.

16 MR. LELAND: You don't have to repeat
17 it here or make reference to it?

18 MR. STEIN: We haven't talked about
19 the Calumet--if you meet the requirement--

20 Again let me say this. As I see this,
21 a compliance with this operation is this. You
22 come in with a list of cities and industries.
23 A tremendous number of the cities and industries
24 are not going to affect Lake Michigan, and you
25

EXECUTIVE SESSION

say these cities and industries are out. Other cities and industries--you are going to have two operations--either they are going to do this or they have already done it.

Now, you and Mr. Klassen have come in many times in the case and you have said they have had secondary treatment since 1960 or they are already providing chlorination. If that's the case, all we need is the first report and as far as I am concerned they are off the list.

MR. LELAND: All right.

MR. STEIN: And our idea is to get this list narrower and narrower and smaller and smaller, as we have done in every case, putting these judgments against it.

I suspect, again, as I say, the biggest cut in the list will come at the first progress meeting, when we will be able to get the thing down to manageable proportions and know what we are dealing with. And this has always been the way we have worked with this.

All right.

EXECUTIVE SESSION

RECOMMENDATION #6

MR. STEIN: "Adjustable overflow
regulating devices are to."

And the last sentence, "This action
is to be."

All right?

All right. Let me take a break as
we go along with this to give you the schedule.

As you know, we are always blessed at
these conferences by having the ever-popular
international expert, Clarence Klassen, who
has one of his innumerable speaking engagements
today, and in order to try to dovetail this,
I think the plans fit very well--he is going
to talk to some fashion show or something this
noon.

MR. KLASSEN: As usual, you are not
dealing in facts, Mr. Chairman, but go ahead.

(Laughter.)

MR. LELAND: It is more interesting
this way.

EXECUTIVE SESSION

1
2
3 MR. STEIN: We will recess between
4 12 and 1:30, because I think it is important
5 to have him here and then we will be able to
6 do this.

7 All right, let's--

8 MR. KLASSEN: For the record, I am
9 speaking to the National Waterworks Association
10 on the new fluoridation law, which is one of
11 the few States in the Union that now requires
12 fluoridation. I don't believe there is anybody
13 around the table that has this. This is not a
14 fashion show, Mr. Chairman. I wish it were.

15 MR. POOLE: Breaking in on that,
16 would you take all these letters that these
17 Wisconsin women have been writing to my
18 Governor who are opposed to fluoridation
19 and want us to rule it out as an action of this
20 conference?

21 MR. KLASSEN: Will we take them? We
22 have got them.

23 (Laughter.)

24 MR. POOLE: Send me copies of your
25 replies. I don't know how to answer them.

EXECUTIVE SESSION

MR. KLASSEN: I am always willing to accommodate another expert, Mr. Chairman.

MR. STEIN: All right.

MR. WISNIEWSKI: There are more people drinking fluoridated water in Wisconsin than any place else in the country.

MR. OEMING: Mr. Klassen, don't tell them that Michigan has required fluoridation.

MR. KLASSEN: I didn't. I said except Michigan.

MR. OEMING: O. K.

MR. STEIN: Let's go on to 7.

RECOMMENDATION #7

MR. STEIN: Let's go to 7, first line, "combined sewers are to be separated."

The last sentence is "Pollution from combined sewers is to be controlled."

All right?

(No reply.)

EXECUTIVE SESSION

RECOMMENDATION #8

MR. STEIN: Now, 8, we have after "sewer systems," "to municipal sewer systems is to be encouraged."

RECOMMENDATION #9

MR. STEIN: The next one, 9, "Continuous disinfection is to be provided."

All right?

RECOMMENDATION #10

MR. STEIN: The first sentence in 10, "The States and the Department of the Interior"--strike "set up"--"will appoint members of a"--

MR. OEMING: Now, just a moment, Mr. Chairman, I don't have that. Will what?

MR. STEIN: --"will appoint members of a special" instead of "set up," strike "set up" and insert in lieu thereof, "will appoint members

EXECUTIVE SESSION

1
2 of."

3 Strike "for dealing with both" and
4 put "on" instead, "on nuclear discharges"--
5 I will read this sentence. And then it reads,
6 "The committee will meet with representatives."

7 And the last sentence reads "Repre-
8 sentatives of the committee."

9 MR. POOLE: You are going too fast
10 for me, Murray. Committee will meet with
11 representatives of AEC--

12 MR. STEIN: Yes.

13 MR. POOLE: --or just with AEC?

14 MR. STEIN: With representatives of
15 the Atomic Energy Commission.

16 MR. OEMING: Well, Mr. Chairman,
17 we are going a little fast here. Maybe I
18 missed it.

19 MR. STEIN: Yes.

20 MR. OEMING: Is there any implication
21 here or indication as to what we have in mind
22 in the way of composition of this committee? I
23 mean who is to be on it? Are we just going to
24 leave it you can appoint--
25

EXECUTIVE SESSION

MR. STEIN: The Conferees will--

MR. OEMING: I got it. I missed it.

MR. STEIN: The Conferees will--

MR. OEMING: Sorry. Pass me over.

MR. STEIN: All right.

MR. POOLE: The last sentence reads,
"Representatives of the committee will be
available to appear"?

MR. STEIN: Yes, "of the committee."
In other words, the idea is if they are going to
take a year or so to do this, they had better
make their views felt.

All right.

With that, gentlemen, we are all
caught up. You came in at a good time, because
ll deals with dumping, you know, of dredgings.

RECOMMENDATION #11

MR. STEIN: All right, ll.

MR. KLASSEN: Are we open for comments
on this?

MR. STEIN: Yes, sir.

EXECUTIVE SESSION

1
2
3 MR. KLASSEN: This doesn't seem like
4 a very positive statement to me. We want to
5 have the target objective of this group to
6 stop Lake Michigan being used as a dumping
7 ground, and that polluted dredgings as of now
8 is to be discontinued. To me this is real fuzzy.
9 We are just going to advise the Corps of Engineers
10 and they are going to tell us in six months what
11 their program is, and this is--I think this is
12 a backward step.

13 MR. OEMING: Mr. Chairman.

14 MR. STEIN: Yes.

15 MR. OEMING: May I point out once
16 again that I think we should bear in mind
17 in whatever we say here that there now exists
18 an agreement between the Secretary of the
19 Interior and the Secretary of the Army which--

20 MR. KLASSEN: That is right, the
21 Secretary of the Army.

22 MR. STEIN: Secretary of the Army.

23 MR. OEMING: Secretary of the Army,
24 at top secretarial level here. And I question
25 what these Conferees can do outside of that

EXECUTIVE SESSION

1
2 agreement. If I recall the agreement correctly,
3 and I think it was understood there would be
4 copies here today, it spells out a program for
5 investigation and a report by December of this
6 coming year and it spells out that this does not
7 involve the discontinuance of dredging. Am I
8 wrong or right?

9 MR. STEIN: You are right.

10 MR. OEMING: In 1968. Now, are we
11 in a position here to abrogate this agreement
12 no matter how we feel about dredgings, I mean
13 the dumping of dredgings?

14 MR. STEIN: This is what I understood
15 the consensus was when I left here, and this is
16 why this was drafted this way.

17 I have one other point to make that I
18 think I made last time and I think the Corps has
19 made this to me many, many times. They have
20 said, in dealing with polluters, we are going
21 to ask for the cessation of pollution, say, by
22 1972, or in other ways 1977 or chlorination by 1969.
23 Here they have been doing a practice, say for
24 50, 60 years. All right. We are asking them
25

EXECUTIVE SESSION

1
2 to come up with an abatement program. What they
3 say is, "Aren't we entitled to the same kind of
4 consideration you in the States or the Federal
5 Government give to any other municipality or
6 any other industry?"

7 The notion is, that is right, there
8 is the agreement. I would think, and the
9 object of this, this is such a technical question
10 that we think the Corps should be asked to come
11 before the Conferees with its program, and that
12 is in six months, to indicate what is going to
13 be done. In the interim--and I think everyone
14 knows what has happened with the dredging as
15 well as I do and what part public opinion has to
16 play in it--where there is any question of
17 dredged material going anywhere, according to
18 this recommendation the State and the Interior Department
19 will be on public record to the Corps and other
20 interested people--and other interested people
21 means the press and the public and anyone who wants
22 to know--what their view of that material is.

23 The way I look at it, if we have a
24 faster way or a more definitive way of getting
25

EXECUTIVE SESSION

1
2 at the problem, unless we get that first report
3 from the Corps, there may be a way of doing
4 this, but I think I was reflecting what the
5 Conferees were saying. In other words, we
6 are not coming up, and it is clear, with a
7 definitive judgment on this until we get the
8 first report from the Corps.

9 Now, we are not coming up with
10 definitive judgments on a lot of other things,
11 like pesticides, agricultural runoff, as I
12 read this, policy on thermal nuclear plants,
13 until we get this. And as I got the consensus
14 of the Conferees, this was about the best we
15 could do with this dredging at this stage of
16 the agreement. If we can do more. I would
17 like to know this.

18 I know that Illinois is prepared to
19 go farther.

20 MR. OEMING: Yes, I understand.

21 MR. STEIN: I don't think there is any
22 question on that. You have to recognize, as far
23 as the Federal Government is concerned, there is an agree-
24 ment, and I am not sure that any of the States
25

EXECUTIVE SESSION

1
2 are prepared at the present time, given the
3 existing facts, prepared to go much farther
4 than this. If you are, I will entertain
5 anything we can do or put the Illinois views
6 in as separate views if you feel that strongly
7 about it, Mr. Klassen.

8 MR. KLASSEN: Well, just one point.
9 So far as Illinois is concerned, our State
10 law and our present operation, we can prohibit
11 anything going into Lake Michigan in Illinois
12 waters. It isn't our particular concern about
13 this, because we know when the permits are
14 applied for and there are no permits issued by
15 the Department of Public Works until the water
16 pollution control agency countersigns this.
17 So I think we have a tight control even over
18 the Corps of Engineers where--they might not
19 agree, I understand; I am not involved in this--
20 but that they have got to get a permit from the
21 State of Illinois. I think there is some
22 question about it, but this hasn't been made
23 an issue.

24 What the State of Illinois is concerned
25

EXECUTIVE SESSION

1
2 about, what kind of a control the other States
3 have over the prevention of polluted material
4 going into Lake Michigan by the Corps or by
5 anybody. This is what our concern is.

6 We are set up to handle our own
7 problem and to prevent this.

8 MR. POOLE: Well, we don't have any
9 specific control as you do in your law, but
10 I have assumed, maybe wrongly, that the Indiana
11 Pollution Control Law covered Indiana waters.

12 MR. KLASSEN: You are right.

13 MR. STEIN: Well, I don't know that
14 anyone else of the other States wants to comment
15 on this. I do think, Mr. Klassen, that we are
16 going to have a lot of these very, very difficult
17 problems to handle if we are going to solve Lake
18 Michigan, and that dredging is one of them. The
19 big strides that are made here are in the kind
20 of treatment that is going to meet water quality
21 requirements plus chlorination, and I think this
22 in large measure will result in a very high
23 degree of waste treatment, plus the removal of
24 phosphates.
25

EXECUTIVE SESSION

On the other problems, like in this, we are showing the way, even in the kind of treatment we are asking here. But I think in stuff like dumping of dredgings--we are striking out in a very new field, we are feeling our way along, we are trying to do this with four States and the Federal Government--I don't know how much farther we can move now before we try to get the Corps report and a pretty exhaustive study on their program to see if this is satisfactory to meet all the States programs.

Mr. Mitchell, did you have something you wanted to say?

MR. MITCHELL: This thing probably worried me more over the weekend than any other recommendation, because we left rather hazy about it.

MR. STEIN: Yes.

MR. MITCHELL: Probably more hazy than all of them, and I was wondering who was the poor guy who was going to have to write the recommendations for us this morning.

When I read this one, if I would guess,

EXECUTIVE SESSION

1
2
3 that the public expects we as Conferees. ly
4 something rather definite about dumping of
5 polluted dredged materials into Lake Michigan,
6 and yet I recognize the importance of the
7 Corps problem of time to work out the difficult
8 problem that it is. And so I would guess that
9 the statement as it is now presented to us
10 doesn't seem to me to be definite enough.

11 MR. STEIN: What would you suggest
12 we do?

13 MR. MITCHELL: Well, I wrote one up
14 here. I don't know if I like it entirely myself,
15 but I might throw it out for consideration.

16 MR. STEIN: Go ahead.

17 MR. OEMING: Before you read it--

18 MR. MITCHELL: All right.

19 MR. OEMING: --let me see if I can get
20 a preamble here; you don't have to use it as a
21 preamble.

22 But aren't we dealing here with
23 getting the stuff out of the lake on a long-
24 term basis, some term? You say 1972 for
25 industries, 1972 for phosphates, put whatever

EXECUTIVE SESSION

1
2 date you want. And, then you have got an
3 interim problem here.
4

5 Now, Illinois thinks they have
6 resolved this. I don't believe that Michigan
7 has resolved this. And I think in order to be
8 consistent with the present agreement that we
9 ought to deal with it in this sense.

10 I read what Mr. Mitchell has, and I
11 think we are getting closer to what my thinking
12 is, that we should set a goal to get the
13 dredgings out of the lake--

14 MR. STEIN: Yes.

15 MR. OEMING: --which would conform
16 to the program that has been presented to
17 these Conferees by the Corps. They are working
18 on a solution and they will ultimately have
19 something, so why can't we put a target date on
20 that?

21 MR. STEIN: We could.

22 MR. OEMING: And then try to deal with
23 this interim problem in some way.

24 MR. STEIN: Yes.

25 MR. OEMING: And I think Mr. Mitchell

EXECUTIVE SESSION

maybe--

MR. STEIN: We will be glad to entertain it.

Let me say for this, and I put this down this way, the notion was, as I got the views when we left here, that we really didn't have the information to set this target date now. I thought that at least the implication here was that at the first progress meeting in six months when we got the program of the Corps you might want to set your target date then. If you think that we are ready to talk more definitely than that now, I would be delighted. But I didn't get that from the last meeting.

Mr. Klassen?

MR. OEMING: You are right.

MR. KLASSEN: One point, we have been pointing everything to the Corps of Engineers and dredgings, but there are other problems. We were recently approached prior to an application, there is no application filed, they demolished the Lake County Waukegan Courthouse,

EXECUTIVE SESSION

1
2 and we were approached about if an application
3 was made to put this demolition material in the
4 lake to build a breakwater whether we would
5 approve it and we said no. Now, this has
6 nothing to do with the Corps of Engineers. But
7 we intend to keep anything out of the lake in
8 Illinois that is going to in any way affect
9 the quality of the water, and the material from
10 that courthouse is plaster, brick, pipe, old
11 radiators, door casings--

12 MR. LELAND: Floor tiles.

13 MR. KLASSEN: --floor tile--Mr. Leland
14 made the inspection--and we said no.

15 MR. STEIN: Right.

16 MR. KLASSEN: We just want to make
17 sure that the other States are taking the same
18 attitude.

19 MR. STEIN: Yes. Here again--

20 MR. KLASSEN: This does not involve
21 dredging of the Corps of Engineers.

22 MR. STEIN: Right.

23 Before we let Mr. Mitchell go forward
24 with that, I think this is precisely what this is
25

EXECUTIVE SESSION

1
2
3 that we have down here was intended to cover,
4 because I would not doubt that if the Corps or
5 anyone else wanted to put this dredging in the
6 lake and you would come up and you would give
7 what you just said was your diagnosis of the
8 pollutional effects of that material, I would
9 hope that you would not have a different view
10 than Mr. Poston and the Federal people on the
11 pollutional effects of the material. I think
12 in the existing state of affairs, particularly
13 around in the Illinois waters, this would work
14 for this year.

15 Now, the question here, I am not
16 sure whether the other States have gone through
17 the public debate that we have had in Illinois
18 on this dredging and they are far enough along
19 with their program. What this intended to do
20 was to have holding action for a six-months
21 operation where we could have this kind of
22 discussion. Now, if we can set a date or be
23 more definite, fine, but I think we are still
24 going to have to go through this at possibly
25 our first meeting and at the same time have this

EXECUTIVE SESSION

1
2 designed so we are protecting Illinois existing
3 program.

4 Mr. Mitchell, do you want to offer
5 anything?

6 MR. MITCHELL: Well, I assume from
7 your discussion here that you are suggesting,
8 and I am attempting to agree with you, that we
9 cannot set a final date because we lack too
10 much information.

11 MR. STEIN: That is right.

12 MR. MITCHELL: But I think maybe up
13 to the sentence I talk about a date it makes
14 a little bit better--

15 MR. STEIN: All right.

16 MR. MITCHELL: "The prohibition of
17 the dumping of polluted material or dredging
18 into Lake Michigan should be accomplished as
19 soon as possible consistent with the laws of
20 the States involved and the need to provide
21 maintenance dredging to prevent economic hard-
22 ship for the port and the region. The Depart-
23 ment of the Interior and the States involved
24 must certify all material or dredging free
25

EXECUTIVE SESSION

1
2 From pollutants before any dumping is permitted."

3 MR. KLASSEN: Would you change it
4 to "deposition" instead of "dumping"?

5 MR. STEIN: Well, here, I have a few
6 just theoretical problems with this.

7 What you are doing is saying con-
8 sistent with the laws of the State, which may
9 give a loophole, and then you say we should
10 certify the polluttional aspects and possibly
11 the States should do it and the Department of
12 the Interior. In one place you are easing up
13 or someone might say you might be easing up
14 consistent with the laws of the State.

15 The second thought, you are asking us
16 to make a certification that I am not sure we
17 can do under our existing law. I guess anyone
18 can certify anything. But the point is, is this
19 going to have any force and effect?

20 I have worked with the Corps of
21 Engineers for many, many years on pollution
22 problems, and whatever you have felt, I have
23 always felt they have been cooperative. My
24 notion is in working with the Corps, it is
25

EXECUTIVE SESSION

1
2 something like working with you people, in
3 working out an agreement with them or us on a
4 program to abate the pollution, I think we will
5 be farther ahead than any kind of arm's length
6 certification from Interior or any other program
7 to the Corps. Now, this is just, again, my
8 experience.

9 I think your first sentence, probably
10 with modifications, is a better formulation
11 than this. Could you read that again?

12 MR. MITCHELL: I add the--I didn't
13 recognize your fear about the laws of the State.
14 I was trying to accomplish something for Illinois
15 because they have this law which prohibits it
16 now, and I thought if we try to have an enforce-
17 ment with a date in it, we ought to allow them
18 to recognize their own law that they have which
19 prohibits it now.

20 MR. STEIN: Would you read it again?

21 MR. MITCHELL: I will be glad to read
22 it again:

23 "The prohibition of the dumping of
24 polluted material or dredging into Lake Michigan
25

EXECUTIVE SESSION

1
2 should be accomplished as soon as possible
3 consistent with the laws of the State involved
4 and the need to provide maintenance dredging
5 to prevent economic hardship for the port and
6 the region."

7 MR. STEIN: May I look at that again?

8 Let me just try this on for size, be-
9 cause I think your first sentence is better.

10 "The prohibition of the dumping of
11 polluted material"--"polluted" is the word?--
12 "polluted material into Lake Michigan should
13 be accomplished as soon as possible. It is
14 recognized that the State of Illinois has a
15 legislation and a positive program in this area.
16 The other States should develop commensurate--
17 should develop programs--shall develop programs
18 on this as soon as possible."

19 MR. KLASSEN: Could I suggest a slight
20 wording change?

21 MR. STEIN: Yes.

22 MR. KLASSEN: You said "polluted
23 materials."

24 MR. STEIN: Yes.
25

EXECUTIVE SESSION

1
2
3 MR. KLASSEN: Should it be "polluting
4 material"?

5 MR. STEIN: "Polluting materials."

6 MR. KLASSEN: Yes.

7 MR. STEIN: I was reading his stuff.

8 MR. KLASSEN: Yes.

9 MR. MITCHELL: That's better.

10 MR. STEIN: Then we can say:

11 "It is recognized--the need must be
12 recognized to provide maintenance dredging to
13 prevent economic hardship for the ports and
14 the region. The Corps of Engineers and the
15 States will be requested to report to the
16 Conferees within six months concerning their
17 programs. At that time the Conferees shall
18 consider adopting a coordinated approach toward
19 the discharge of dredging, together with a
20 target date for putting the program into
21 operation."

22 Is this--

23 MR. OEMING: I am willing to let it
24 rest there for a moment until you get that
25 typed up and take a look at it.

EXECUTIVE SESSION

MR. STEIN: All right.

We have just got one other big problem and it is 12 o'clock. Let's get that typed up and we will do that. We will have that for you after lunch, because the other big problem is the alawife problem, and I think from there on we have free sailing, I hope, most of the afternoon.

Sir?

MR. HOLMER: Is that six months from the date of the recommendation?

MR. STEIN: Well, we can make that a time. Now, I would--

MR. HOLMER: I don't want to conflict with the Secretary of the Interior again.

MR. STEIN: We will talk about that when we come back. Generally the six months runs from the time the Secretary sends this out, because we have no notion that the Secretary is going to adopt this at all. Right?

We will stand recessed until 1:30.

(Whereupon, at 12:00 noon an adjournment was taken until 1:30 p.m.)

1 EXECUTIVE SESSION

2 AFTERNOON SESSION

3 (1:30 p.m.)

4 MR. STEIN: Let's reconvene.

5
6 RECOMMENDATION #11 (Continued)

7
8 MR. STEIN: The first sentence, that
9 "should," how about changing that to "shall,"
10 Mr. Mitchell? O. K.?

11 MR. MITCHELL: Fine.

12 MR. OEMING: Fine.

13 MR. STEIN: Let's put, "The State of
14 Illinois has a legislative and positive action
15 program in this area."

16 MR. MITCHELL: I wish Mr. Klassen was
17 here to discuss that, but I read that bill and
18 as I read it that bill itself doesn't prohibit
19 dumping, it just gives Mr. Klassen the authority
20 to veto the Board of Public Works. It doesn't
21 say it shall prohibit it or anything, so I don't
22 know that we should mislead people as to what
23 that bill actually says.

24 MR. STEIN: Well, no. Let's wait until
25

EXECUTIVE SESSION

1
2 Mr. Klassen comes in. But I am just trying to
3 perfect the language here if he doesn't buy
4 this.

5 The other States "will" instead of
6 "shall".

7 MR. OEMING: Let's wait until Murray
8 finishes.

9 MR. STEIN: Let's just get this
10 grammatically.

11 MR. OEMING: Yes.

12 MR. STEIN: The Corps of Engineers
13 and the States, capital S.

14 All right? Wait a minute.

15 MR. POSTON: I understand that the
16 Corps will not complete their studies until
17 about December 1968. Six months would run us
18 up to about October, and I wonder, they will ,
19 have some preliminary results, but not all of
20 the results of their financing.

21 MR. STEIN: Don't you think the
22 Corps can give us a reasonable approach? In
23 other words, they have got to put everything
24 back. Why don't they give us what they have?
25

EXECUTIVE SESSION

MR. POSTON: I am sure they would be willing to give us what they had.

MR. STEIN: Otherwise we would be moving the whole thing back another three months.

MR. OEMING: We are out of phase here.

MR. STEIN: Yes. Perhaps they can adjust.

MR. POSTON: I wanted to make you aware of this potential.

MR. STEIN: Yes, we are well aware of the potential, but I think we bent over quite a way toward the Corps. I think in the six-months deadline they can bend toward us, and maybe we can arrive at an accommodation.

Why don't you read this, Benn?

"Prohibition shall be accomplished," instead of "should," right? "It is recognized"-- now, here is the question--"that the State of Illinois has a legislative and positive action program in this area."

Is this true?

MR. LELAND: Yes. Senate Bill Number 1794.

EXECUTIVE SESSION

1
2 We also have--

3 MR. STEIN: Why did you raise the
4 question?

5
6 MR. MITCHELL: The issue that I
7 raised here, Mr. Chairman, is that as I
8 interpret our law in Indiana and, as I under-
9 stand, Michigan's or Wisconsin's or anybody's
10 law prohibits pollution of the waters of our
11 States, which I consider a positive legislation.
12 As I read the Illinois laws, it gives Mr.
13 Klassen or any successor the veto power
14 over the Board of Public Works against the
15 dumping of any material into Lake Michigan,
16 and I don't know that that is any more than
17 just a veto power over the dumping of any
18 material. And that from a pollution viewpoint,
19 all of our laws are fairly equal.

20 MR. LELAND: It is just that in
21 addition to the Central Water Board Act we
22 have this specific legislation dealing with
23 this specific problem, but that--

24 MR. MITCHELL: Yes, that is right.
25 But it does give your Board or Mr. Klassen

EXECUTIVE SESSION

the veto power over the Board of Public Works.

MR. LELAND: In the issuing of these permits.

MR. MITCHELL: In the issuing of permits, yes.

MR. LELAND: There is also an executive order of the Governor on this matter which at the moment is even overriding that, but that is another--

MR. MITCHELL: That is not legislative.

MR. LELAND: No.

MR. STEIN: Maybe we should strike those two sentences.

MR. POOLE: Well, you could say it is recognized the State of Illinois has specific legislation and identify that.

MR. LELAND: Yes, that--

MR. STEIN: Has specific legislation?

MR. POOLE: Yes. But I think we have a positive program, that is the Department of Natural Re--

MR. LELAND: Take out the positive program. Has specific legislation in this area.

EXECUTIVE SESSION

(At this point, Mr. Klassen arrived.)

MR. STEIN: In this area.

Let's strike the other. The next sentence--we don't need it, right--"The other States will"?

MR. HOLMER: I am concerned about the second sentence which is not a recommendation at all but a statement.

MR. STEIN: It is just a factual statement.

MR. HOLMER: I realize. I am wondering if this is the appropriate place for it. I was reading the alewife description a little later on, and there is a lot of narrative there--

MR. STEIN: Yes. Well, the point is. I think in some of the recommendations what we have done, in order to get over the hump, is to put in some narrative in order to give a credence to the recommendations.

MR. HOLMER: Well, if this is regularly done, fine. I just wanted to be sure we weren't doing it unknowingly.

MR. STEIN: No. Here, let's try this.

EXECUTIVE SESSION

Let's say, "It is recognized that the State of Illinois has specific legislation in this area." And then strike it and go down to, "The need must be recognized to provide maintenance dredging to prevent economic hardship for the ports and the region," and so forth.

Is this all right? Let me read that.

You have got "the Corps of Engineers and States will be requested to report" and you struck out above that "the States will develop programs."

MR. STEIN: Yes.

MR. POOLE: I don't think that should interfere with them reporting. That is, I have been trying to keep this thing short as much as possible. We were approached several years ago by a large industry that wanted to take some of its potent waste and barge it out in the lake, and we said nothing doing. And there is a lot of this, and as Mr. Klassen pointed out this morning, we say the same thing on demolition of a building, it is not dredging. And this is why I like the first line of what is here now.

EXECUTIVE SESSION

MR. STEIN: Yes. I think we are in shape.

Let me try this, read it to you:

"The prohibition of the dumping of polluting materials into the lake shall be accomplished as soon as possible. It is recognized that the State of Illinois has specific legislation in this area. The need must be recognized to provide maintenance dredging to prevent economic hardship for the ports and the region. The Corps of Engineers and the States will be requested to report to the Conferees within six months concerning their programs. At that time the Conferees shall consider adopting a coordinated approach toward the discharge of dredging, together with a target date for putting the program into operation."

MR. HOLMER: Is the "discharge of" necessary?

MR. CEMING: Disposal of dredging.

MR. HOLMER: I think we wanted to deal with dredging.

EXECUTIVE SESSION

1
2 MR. STEIN: Yes, what is your--

3 MR. HOLMER: I don't know, I would
4 take out the three words, "the discharge of."
5 I don't think it adds anything.

6 MR. STEIN: Toward dredging?

7 MR. HOLMER: Yes.

8 MR. LELAND: No.

9 MR. OEMING: Well, it seems to me
10 that the main thrust of our job here is as to
11 what are we going to do with the dredging when
12 we have got it.

13 MR. STEIN: Right.

14 MR. OEMING: The only modification
15 I would make would be toward the disposal of
16 dredged materials.

17 MR. STEIN: Disposal of dredged
18 material?

19 MR. HOLMER: Discharge bothers me.

20 MR. STEIN: All right, toward the
21 disposal of dredged material, how about that?

22 MR. HOLMER: All right.

23 MR. OEMING: This is good now. It
24 encompasses everything. You are not limited.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: Yes. All right. That
4 is good.

5 MR. OEMING: Yes, dredged materials,
6 the disposal of dredged materials.

7 MR. STEIN: All right, are we set now?
8 Let me read this again so we are not entirely--
9 How did that speech go, Clarence?

10 MR. KLASSEN: It was good. I didn't
11 get down to describing the bikinis, though. I
12 had to leave.

13 MR. STEIN: I know it was good. What
14 did you do beyond that? I haven't heard you
15 make a speech that wasn't good yet.

16 MR. KLASSEN: O. K., I will agree
17 with what you say, Mr. Chairman.

18 MR. STEIN: That is all right.

19 (Laughter.)

20 MR. STEIN: It shows you to what
21 extent you have to go to get agreement around
22 here.

23 (Laughter.)

24 MR. STEIN: Here is where we stand
25 on this.

EXECUTIVE SESSION

1
2
3 Clarence, this is a key point for
4 you.

5 "The prohibition of the dumping of
6 polluting materials into Lake Michigan shall be
7 accomplished as soon as possible. It is recog-
8 nized that the State of Illinois has specific
9 legislation in this area. The need must be
10 recognized to provide maintenance dredging
11 to prevent economic hardship for the ports and
12 the region."

13 MR. KLASSEN: What is the purpose
14 of that sentence?

15 MR. OEMING: I have another thought
16 here. Are we weakening this statement so much
17 and diluting it by not putting in here that
18 this interim business--let me have that. I
19 keep feeding the newspaper men. "The need
20 must be recognized to provide maintenance
21 dredging in the interim to prevent economic
22 hardship." I hate to see this--

23 MR. STEIN: All right.

24 MR. OEMING: --qualified quite so much.

25 MR. STEIN: How about that? All right.

EXECUTIVE SESSION

1
2
3 MR. MITCHELL: I will buy that.

4 MR. LELAND: Why not say provide
5 interim maintenance?

6 MR. STEIN: No, in the interim.

7 MR. OEMING: That is right, an
8 interim period here while we are fussing with
9 this thing.

10 MR. STEIN: All right.

11 "The need must be recognized to
12 provide maintenance dredging in the interim."

13 All right? They are going to have
14 maintenance dredging all the time. It is
15 maintenance dumping in the interim, but that
16 is all right.

17 --"to provide maintenance dredging
18 in the interim."

19 MR. OEMING: Yes.

20 MR. STEIN: Aren't we going--wait a
21 minute.

22 MR. KLASSEN: Do we have to put that
23 in there?

24 MR. STEIN: Wait a minute, Larry.
25 Are we going to have to have maintenance dredging

EXECUTIVE SESSION

1
2 from here on out?

3 MR. OEMING: No. I guess it is
4 modifying the wrong place. I am trying to
5 get this in here that we aren't modifying
6 the initial premise here that the prohibition
7 shall be accomplished as soon as possible and
8 that we are going to continue to have maintenance
9 dredging, but from now until as soon as possible
10 there is going to be interim dredging and
11 interim dumping.

12 MR. MITCHELL: We are going to have
13 long-time dredging and interim dumping.

14 MR. OEMING: And you are going to
15 have long-time dredging and maybe not interim
16 dumping, I don't know.

17 MR. POSTON: I wonder, Mr. Chairman,
18 if we might strengthen it a little by adding
19 a sentence at the end which would say it is
20 the intent that the target date be not later
21 than, say, July '69.

22 MR. STEIN: I wouldn't want to put
23 it off that long until we got our information.

24 MR. OEMING: Well, Mr. Chairman, do
25

EXECUTIVE SESSION

1
2 you get what I am driving at here? I would
3 like to see this in here somehow so that we
4 tighten this up. I am not trying to loosen
5 it. If what I have said is loosening it,
6 then I don't want it.

7 MR. KLASSEN: I still wonder why we
8 need to recognize "to prevent economic hardship."
9 If it is a fact, why do we have to put it in
10 there? It looks like we are giving a sop to
11 somebody or making excuses or opening the
12 door or something.

13 MR. STEIN: Let's try this. Let's do
14 that first sentence, "The prohibition of dumping
15 of polluted materials into Lake Michigan shall
16 be accomplished as soon as possible. In the
17 interim, it must be recognized that we must
18 provide maintenance dredging to prevent economic
19 hardship for the ports and region."

20 MR. KLASSEN: Of course this is the
21 same thing we criticized Wisconsin for.

22 MR. STEIN: No.

23 MR. OEMING: Who criticized Wisconsin?

24 MR. KLASSEN: I did.
25

EXECUTIVE SESSION

1
2 MR. OEMING: Well, I was going to say.

3 MR. KLASSEN: You did too.

4 MR. OEMING: I did?

5 MR. KLASSEN: You said we couldn't
6 agree and now we are back on the same thing,
7 offering reasons why we can't get the job done.

8 MR. STEIN: No, we can get the job
9 done.

10 Let's read the whole thing now.

11 MR. KLASSEN: Maybe I misinterpreted.

12 MR. STEIN: Let's read this as we
13 have it, as I suggested:

14 "The prohibition of the dumping
15 of polluting materials into Lake Michigan
16 shall be accomplished as soon as possible.
17 In the interim, it is recognized that we must
18 provide maintenance dredging to prevent economic
19 hardship for the ports and the region. Cog-
20 nizance is taken that the State of Illinois
21 has specific legislation in the area. The
22 Corps of Engineers and the States will be
23 requested to report to the conference within
24 six months concerning their programs. At
25

EXECUTIVE SESSION

1
2
3 that time the Conferees shall consider
4 adopting a coordinated approach toward the
5 disposal of dredged material together with
6 a target date for putting the program into
7 operation."

8 MR. OEMING: I am still annoyed
9 here.

10 MR. STEIN: Don't fight with Illinois,
11 for goodness sakes. They may have a change
12 in the government next week.

13 (Laughter.)

14 MR. OEMING: I want the record to
15 show that I didn't criticize Wisconsin, Mr.
16 Klassen.

17 MR. KLASSEN: Let the record show that.

18 (Laughter.)

19 MR. STEIN: What do you think of
20 that?

21 MR. OEMING: I like it.

22 MR. KLASSEN: What measures you
23 have to go through to get agreement, Mr. Chairman.

24 MR. STEIN: Yes. Maybe we had better
25 get this. Why don't you, before we do this, and

EXECUTIVE SESSION

1
2 this is a very important one, get a girl in
3 to type this up.

4 (Off the record.)

5 MR. STEIN: Well, do you want to buy
6 that, "The prohibition of the dumping of polluted
7 material into Lake Michigan is to be accomplished
8 as soon as possible. The Corps of Engineers
9 and the States will be requested to report to
10 the Conferees within six months concerning
11 their program. At that time the Conferees
12 shall consider a coordinated approach toward
13 the disposal of dredged material together with
14 a target date for putting the program into
15 operation."

16 That is a good suggestion. What do
17 you think of that?

18 MR. MITCHELL: We buy it.

19 MR. HOLMER: I would like to march
20 forward with Illinois.

21 MR. OEMING: I agree with Illinois.

22 (Laughter.)

23 MR. STEIN: O. K. I think we are in
24 shape. That is a very good suggestion. O. K.?
25

EXECUTIVE SESSION

MR. POOLE: Mr. Chairman, I hate to go on record as agreeing with Illinois, but I will.

(Laughter.)

MR. KLASSEN: Well, you understand, I am taking out the fact that everybody knows that Illinois has a legislative program.

MR. STEIN: Yes, I recognize that.

Let me give you this again completely.

Here is the way this reads:

"11. The prohibition of the dumping of polluting material into Lake Michigan shall be accomplished as soon as possible. The Corps of Engineers and the States will be requested to report to the Conferees within six months concerning their programs. At that time the Conferees shall consider adopting the coordinated approach toward the disposal of dredged material, together with a target date for putting the program into operation."

(Off the record.)

--"toward the disposal of dredged material, together with a target date for putting the program

EXECUTIVE SESSION

into operation."

All right. We will look at that again.

Let's go on to 12.

RECOMMENDATION #12

MR. STEIN: All right, 12. Let's go on to that alewife business.

MR. OEMING: Mr. Chairman, I have one suggestion. I like it very well except the last sentence.

MR. STEIN: Yes.

MR. OEMING: I would like to throw this suggestion on the table.

In the last line where the word "this" appears, put in "a" and then insert after "program": "which would accomplish the above objective," then go on "with funds and personnel."

So it would read--

MR. STEIN: All right.

MR. OEMING: --"to assure the success of this program, the Conferees recommend that

EXECUTIVE SESSION

1
2 the States concerned and the Federal Government
3 support a program which would accomplish the
4 above objective with funds and personnel."

5 (Across-the-table discussion,
6 inaudible to the reporter.)

7 MR. STEIN: All right, that is all
8 right. That is good.

9 Are there any other comments or
10 suggestions?

11 MR. KLASSEN: Mr. Chairman, what is
12 your interpretation of this in the way of a
13 positive program? I am asking for information,
14 really.

15 MR. STEIN: The information deal is,
16 we all know this, as far as I can see everyone
17 can come forth with a plan, and not that I
18 deprecate the planners, but, you know, this
19 is a wonderful operation. Every time I come into
20 Chicago they come forth with a new plan. One
21 time I find they are going to have ski slides,
22 the next time they are going to be swimming off
23 the Wrigley Building, the next time I come and
24 hear they are going to have deep tunnels. You
25

EXECUTIVE SESSION

1
2 know, these are great things, and I am all
3 for the planning.
4

5 The notion is, I think everyone has
6 worked out a plan. As far as I can see, the
7 Great Lakes Commission has got a reasonable
8 plan to clean this up, and if we put in
9 another plan, we are just going to get into
10 conflict with it. The issue is, we have got
11 to put the plan in operation.

12 We would like, if we could possibly
13 do this, to have this run completely locally
14 and not have any Federal funds or people in it.
15 But I don't think it is possible. So we are
16 prepared to put in a considerable amount of
17 Federal money, if the States will match it.

18 In addition to this, we would like some-
19 one locally to set the people up who are going
20 to run the program, and if you can't do it,
21 we have the people available. In other words,
22 we have biologists, we have engineers who have
23 had experience with commercial fishing and who
24 have been in many commercial fishing runs. If
25 you want to have them, we will put them in for the

EXECUTIVE SESSION

1 chore. But if you put a man into this;
2 we will be glad to put in staff men to do it.
3 In other words, we would like it to be a local
4 program.
5

6 It seems to me that if we are going
7 to lick the interim alewife problem we have to
8 have several elements to it, and these elements
9 are concerned here. One, if the Great Lakes
10 Commission task force can work up a program,
11 fine, we will be glad to cooperate. The elements
12 of that program seem to be the skimming of
13 alewives when they are in the water before
14 they get to shore, the proper disposal of the
15 alewives on shore in properly disposed sites
16 where they are closed and where they are
17 covered, and with the notion that the States
18 will get together with the localities, including
19 the counties and the cities, where they will have
20 a program to take care of the alewives that get
21 past the skimming net lines.
22

23 What we are prepared to do is put
24 in money matching the States up to a limit,
25 you know, but I think we can more or less

EXECUTIVE SESSION

match, and also where the States can break loose personnel to run the program, and we would be delighted if you could, to provide either the staff or the supervisory personnel or both. In other words, we think this program is so important that we are not quibbling with the program of the Great Lakes Commission, which looks reasonable and has these elements in it. We are ready to buy their planning. What we are doing is we are saying we are putting our money in, we are putting our personnel in. We hope you will match us with the money because if you don't, I don't think the program is going to get off the ground. I think we may be more flexible because of our large program and being able to disengage personnel to work on this program than possibly the States were, but we have to get disposal sites from the States to put the alewives in and also an agreement from them that they are going to take the alewives off when they hit the beaches.

The only string we have

EXECUTIVE SESSION

1
2 on the money that we have, is that you at least
3 have to match it. As far as personnel is con-
4 cerned, we are ready to let anyone designated
5 by the State agencies run this and we will
6 provide the staff, but if you can't provide
7 supervisory personnel, we stand willing and
8 able and I think we have the people to step
9 in and accept the supervisory jobs if you
10 want them. The point is, we believe this should
11 be a State and a local function. The only way
12 we would step in here is if requested by the
13 States concerned where you could not find the
14 men.

15 Blucher Poole has been with us.
16 You know, we have graduate sanitary engineers
17 who have had advance experience in commercial
18 fishing, and particularly our guys in the
19 Pacific Northwest. If you want this, I will
20 just get those guys out here for the period
21 of getting the alewives out.

22 MR. POOLE: (Inaudible) you mean?

23 MR. STEIN: Yes.

24 MR. POOLE: I recommend him most highly.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: Yes, I think he would be
4 the man for the job. Because we have some
5 people who are both sanitary engineers and have
6 a tremendous background in commercial fishing,
7 and if this is the man you want and you don't
8 have personnel of your own, we will just get
9 him here for you.

10 MR. KLASSEN: I mentioned to translate
11 this, you know, into action. When you say "we"
12 do you mean the Department of the Interior?

13 MR. STEIN: Yes, sir.

14 MR. KLASSEN: And "you" meaning--this
15 leaves me a little--

16 MR. STEIN: Well, here, let me tell
17 you this. I have talked about funds--

18 MR. KLASSEN: Yes.

19 MR. STEIN: --to the Assistant Secretary,
20 that is Max Edwards--

21 MR. KLASSEN: Yes.

22 MR. STEIN: --and to the Commissioner,
23 Joe Moore, and they have indicated that we can
24 agree to put in funds. As I understand it, the
25 program for seining and the putting this on shore

EXECUTIVE SESSION

1
2 and the States even have to put up 75 thousand
3 dollars each, I am not sure that I can go above
4 that 250, in other words. But more or less a
5 50-50 match.

6 MR. KLASSEN: What concerns me, you
7 say "you"; I represent the Water Pollution
8 Control Agency, and I presume, then, it will
9 be up to us to translate this in our own State
10 whether our Department of Conservation, Depart-
11 ment of Public Works, or who does it. These
12 are the things we are going to have to--

13 MR. STEIN: This is a hard question,
14 Mr. Klassen.

15 MR. KLASSEN: Yes.

16 MR. STEIN: The difficult time I
17 had with this is when I got back with all these
18 planners, I recognized we needed personnel and
19 we needed money, and the pitch that I went back
20 to our people with is we will just have to take
21 this out of operating funds.

22 MR. KLASSEN: All right.

23 MR. STEIN: Now, the question here is
24 where we get this, I think when this Great Lakes
25

EXECUTIVE SESSION

will amount to about a half a million dollars
and run over a six-weeks period.

MR. KLASSEN: What is a matching,
50-50?

MR. STEIN: Yes. Now, they have
indicated that we can start working on that
operation. If we talk about 50-50, and I
hope the States won't quibble among themselves
on this, this means a quarter of a million
dollars for the Feds, a quarter of a million
dollars for the States. This means maybe 65
to 75 million bucks per State. The issue--

MR. KLASSEN: Thousand.

MR. STEIN: What?

MR. POOLE: You said million.

MR. STEIN: Thousand.

MR. KLASSEN: We realize you are a
Federal man, but that is all right.

MR. STEIN: Yes.

(Laughter.)

MR. STEIN: I scaled that down.

The problem is that this may run
over a half a million dollars. If it does

EXECUTIVE SESSION

1
2 Commission comes up with it, we are just going
3 to have to approach this with an open conscience
4 and free will and see that the States and we
5 come forward and get the money and the personnel
6 and put them together.

7 The problem is time is running out.
8 I talked to the Federal co-chairman over this
9 weekend a long time about this, Ray Clevenger,
10 and it is his view, and I concur in this,
11 unless we put this together during this month
12 and we are ready to go in April, we are dead
13 for this season. We are ready to come and meet
14 with you as far as we can, but this depends
15 on the Commission.

16 Mr. Mitchell and his group have
17 a plan, we are not arguing with that plan a
18 bit, we are ready to support it "whole hog,"
19 but I think the question is to put that plan
20 into operation. There are several things
21 that it is going to take to put the plan
22 into operation: one of money, one of personnel,
23 one of sites that the States are going to give
24 us to put those alewives in, and another is
25

EXECUTIVE SESSION

1
2
3 cooperation and equipment from the localities
4 to do their job. If the States can produce
5 this, we are prepared to put in what personnel
6 you need and the money you need, and I think
7 to match you, in doing the job in the skimming
8 and the coordination of the program.

9 MR. KLASSEN: What is the status of
10 the Great Lakes Commission program, John?

11 MR. MITCHELL: Well, tomorrow the
12 working group meets--and by the way, there is
13 a representative from the Fish and Game Com-
14 mission and Department of Conservation on the
15 working group--and they are going to discuss
16 the seven points in the program and allocate
17 the various responsibilities for 100 percent
18 implementation of those seven points, with a
19 cost factor, and then those State representatives
20 are going to go back and explore how much of
21 that commitment they can meet through their
22 State government and how much the local govern-
23 ment can meet of that and then come back the
24 20th in the Crystal Room here at this hotel
25 to make final decision on apparently how much

EXECUTIVE SESSION

1
2 coordination they can get. Now, it works
3 out that if every State can't participate
4 because of some financial difficulties, then
5 we go ahead with the program in the other
6 States. And then if every local community
7 can't participate, we just go ahead with the
8 other communities that can. It is very
9 flexible.

10
11 And let me briefly--first of all,
12 it has to be the long-range program of main-
13 taining or trying to ascertain the need and
14 develop the need for an ecological balance
15 of fishlife. That has to be number one or we
16 will be cleaning up fish the rest of our lives.

17 The second thing is the monitoring
18 program. And, of course, the Federal Govern-
19 ment, through the Bureau of Commercial Fisheries,
20 simply can't do the monitoring of where these
21 dead alewives are and where they are going all
22 by themselves and each State has got to help
23 with their boats and their aircraft.

24 The third is the diverting techniques
25 where we can assist the people who have water

EXECUTIVE SESSION

intakes to divert.

Then we need to go in, and each State is going to be asked to establish their various areas into three categories of priority. Number one priority would be high-use areas, public beaches. The second would be semi-public use areas, which would be beaches in front of housing developments and homes in cities and towns along the beach. The third would be non-public areas which might be industrially-owned and which would have no serious problems connected with the alewife on the beaches.

And then the operation for skimming would be done with those States that can help support it financially and then they would move in, the local responsibility would be to help unload the skimmed alewives and a place for landfills. Now, if some local community who has a public beach says, "We don't have a landfill," then you really can't skim because you have got to have some place to put it.

So if the local community provides the landfills and the State provides the cost

EXECUTIVE SESSION

1
2 share and the Federal Government provides
3 the cost share, if all three provide it, then
4 hopefully we can get to all the priority one
5 areas. Time is a factor. You simply may not
6 be able to get to any of the number two areas.

7
8 Then you need to have this beach
9 cleanup program of those areas that you were
10 not able to get to and those areas in which
11 you were not able to successfully skim 100
12 percent. And we are in Indiana exploring the
13 possibility of buying some of this beach cleaning
14 equipment and then subleasing it to the local
15 communities simply because no local community
16 can afford it--it is very expensive--and to
17 try to then keep it moving up and down our
18 beaches, because we have only 44 miles of
19 shoreline and we have only 6, if I remember
20 right, 6 high-priority areas out of the whole
21 area, 6 public beaches.

22 MR. STEIN: Let me make one point
23 before you go on.

24 The Federal funds that I am talking
25 about are contingent upon all of the States

EXECUTIVE SESSION

1
2 participating. And, Mr. Mitchell, you pointed
3 out that some States might and some States
4 could not. Now, if any States cannot, I am
5 not sure that we can get Federal funds.

6 MR. MITCHELL: I am glad to hear
7 that, because I didn't understand that.

8 MR. STEIN: The Federal funds are
9 contingent--this is like a fund raising operation.
10 We will put the money in, but unless the States
11 are interested enough to put their money up,
12 I have no assurance that we can give you any
13 Federal money.

14 If any State wants to wash out on
15 this, this is, of course, the State's privilege.
16 But the string on the Federal money is that
17 the States are going to show the interest in
18 this because we want to help the States out,
19 and if they are not interested enough in
20 cleaning up their own house, maybe you want
21 to have another stinking summer.

22 MR. MITCHELL: From my glimpse around
23 the area, I don't think any States are considering
24 anything but doing their damndest to raise
25

EXECUTIVE SESSION

1
2 the money--

3 MR. STEIN: Yes, but--

4 MR. MITCHELL: --and I have already
5 heard Mr. Klassen express--

6 MR. STEIN: But what I am trying to
7 do is say the limitation that I have--and this
8 is what I was asked to do so there would be no
9 misunderstanding--the limitation that I have
10 on the availability of Federal funds is that
11 the States are going to put up their own money
12 or else we are not participating.

13 MR. MITCHELL: We will do our best.

14 MR. STEIN: All right.

15 MR. KLASSEN: It sounds like this
16 is the only going program. And, John, I will
17 take your evaluation of it. You feel that this
18 program is far enough along that with the
19 answers to the States participation and money
20 through the State representative on the Great
21 Lakes Basin Commission that this thing will go?

22 MR. MITCHELL: Well, after the meeting
23 tomorrow, at which we will try to assess how
24 much each one of these efforts is going to
25

EXECUTIVE SESSION

1
2 cost and then how much it means for each
3 State to commit itself, not only just to
4 the cleanup out in the water but maybe the
5 beach cleanup and maybe the monitoring
6 program and that sort of thing, then each
7 State is going to be asked to go home and
8 check signals with their Governors and any
9 other budget groups that are necessary to
10 be able to come back here on March 20th with
11 firm answers.

12 The best information we have is
13 that this seems to be a reasonable approach.
14 We learned something last year, I think, in
15 the last minute attempt that we all had to
16 make in trying to clean up our beaches. But
17 based upon the information we have, this seems
18 to be the reasonable approach.

19 MR. KLASSEN: O. K.

20 MR. MITCHELL: I hope that we can
21 improve it.

22 MR. STEIN: Are there any comments
23 on 12?

24 I think that is it. You might
25

EXECUTIVE SESSION

glance at 11.

Do you want to go to 12?

MR. HOLMER: I have a further question. How far does this 500 thousand dollars, assuming we are all in the pot, go toward the program of skimming as the task force has looked at it up to this point? Is this two-thirds of it or--

MR. MITCHELL: No, I think--

MR. HOLMER: --half of it or what?

MR. MITCHELL: It depends upon how much of the areas the States are going to consider as priority one areas. Now, the skimming operation is not going to be able to include every mile of shoreline of Lake Michigan.

MR. HOLMER: That is right.

MR. MITCHELL: It simply cannot be done for 500 thousand dollars. But they thought if they would make priority one, priority two, and priority three, they were hoping that they could do it for priority one, as I understand it.

And this is the reason the work group

EXECUTIVE SESSION

1
2
3 is meeting tomorrow, to come back with
4 their priorities and to see if their earlier
5 estimate was nearly correct or not. And I
6 really can't answer that any more than that
7 right now.

8 MR. HOLMER: O. K. It is the
9 priority one areas--

10 MR. MITCHELL: Which are high public
11 use areas.

12 MR. HOLMER: --we hope for sure?

13 MR. MITCHELL: Which is where you have
14 your pollution problems.

15 MR. HOLMER: All right.

16 MR. STEIN: Then we are agreed on
17 12.

RECOMMENDATION #11

18
19
20
21 MR. STEIN: Let's go back to 11 and
22 just glance at that. You have all had this
23 and this looks good to me.

24 MR. OEMING: Mr. Chairman, just a
25 little cleaning-up language.

EXECUTIVE SESSION

1
2
3 MR. STEIN: Yes.

4 MR. OEMING: The second sentence:
5 "The Corps of Engineers and the States are
6 requested to report to the Conferees."

7 MR. STEIN: All right.

8 MR. OEMING: And then at the end
9 of that sentence where it says "concerning
10 their program maintenance" put a comma "at
11 which time the Conferees will consider."
12 We haven't said when the Conferees were going
13 to consider. Are we going to consider it at
14 that time? Then I think we should say so.

15 MR. STEIN: You want to--

16 MR. OEMING: Put in the phrase "at
17 that time--at which time the Conferees."

18 Mr. Poston, after the word "maintenance"
19 in the fourth sentence put a comma and then "at
20 which time the Conferees will consider."

21 MR. LELAND: Is it program maintenance
22 or maintenance program?

23 MR. OEMING: It is maintenance program,
24 I guess.

25 MR. STEIN: Why do we need "maintenance"?

EXECUTIVE SESSION

They are programs.

MR. OEMING: Programs.

MR. STEIN: Strike "maintenance."

MR. OEMING: All right. Strike "maintenance." Now it becomes "concerning their program, at which time the Conferees will consider adopting."

MR. STEIN: Right. All right, very good.

MR. HOLMER: Mr. Chairman, on your way to 13, on the second line of 12 I think there was a Freudian slip, because this is certainly an odoriferous problem and I am glad that they ended it with "mum."

MR. OEMING: "Phenonemum."

(Laughter.)

(Off the record.)

RECOMMENDATION #13

MR. STEIN: Let's go to 13, and you have a redo of 13. It reads, "The four States will within 60 days."

EXECUTIVE SESSION

1
2 Do you have it?

3 All right. Do you want to read 13?

4 MR. POOLE: Well, I have got three
5 drafts of this now. Which one are we going
6 to use?

7 MR. STEIN: Let me read the draft
8 you are going to use:

9 "The four States within 60 days will
10 meet and agree upon uniform rules and regulations
11 for controlling wastes from watercraft. These
12 rules and regulations will generally conform"--
13 let's straighten that out--"will conform generally
14 with the Harbor Pollution Code adopted by the
15 City of Chicago and the Model Boating Act."

16 Should that be caps?

17 MR. OEMING: Yes, I guess so.

18 MR. STEIN: I guess so. --"and the
19 Model Boating Act, but specifically prohibiting
20 the use of the macerator chlorinator. Since
21 each of the four States operates under different
22 statutes, Conferees will recommend to their
23 respective boards, legislatures, and so forth,
24 approval of the proposed uniform rules and
25

EXECUTIVE SESSION

1
2 regulations to be effective by April 1969.
3 Commensurate requirements controlling the
4 discharge of wastes from commercial vessels
5 will be the responsibility of the Federal
6 Government."

7 O.K.?

8 O.K.?

9 MR. POOLE: Where did the idea creep
10 in that the rules and regulations had to specifically
11 eliminate the macerator chlorinator?
12

13 MR. STEIN: I thought we talked
14 about that the last time. This is what--by
15 the way, this is the specific language that
16 Mr. Klassen put in last time and was agreed
17 to by the Conferees.

18 MR. PURDY: No, it isn't.

19 MR. STEIN: Wait a moment. As I
20 pointed out, this is not a--as the last time,
21 this is not a case of last resort. Now, let's
22 work this out.

23 MR. POOLE: I thought the last time
24 we agreed the rule does not approve the use
25 of the macerator chlorinator. All I am

EXECUTIVE SESSION

1
2 objecting to is to writing things like that--

3 MR. KLASSEN: That is right.

4 MR. POOLE: --in a law or a regulation--

5 MR. STEIN: Yes, that does not--

6 MR. KLASSEN: Approve, that was the
7 language we agreed on.

8 MR. STEIN: That does not approve?

9 MR. KLASSEN: Yes, does not approve,
10 does not presently approve.

11 MR. STEIN: Does not presently
12 approve?

13 MR. KLASSEN: Yes. We took the words
14 "specifically prohibited" out.

15 MR. STEIN: I guess you are right,
16 Mr. Poole.

17 MR. OEMING: Mr. Chairman, we have
18 another problem. What is the meaning of the
19 term April 1969? Is that when all of the
20 regulations or legislation is to become
21 effective or what?

22 MR. STEIN: Didn't we have a discussion
23 on that?

24 MR. POSTON: Yes.
25

EXECUTIVE SESSION

1
2 regulations to be effective by April 1969.
3 Commensurate requirements controlling the
4 discharge of wastes from commercial vessels
5 will be the responsibility of the Federal
6 Government."

7 O.K.?

8 O.K.?

9 MR. POOLE: Where did the idea creep
10 in that the rules and regulations had to specifically
11 eliminate the macerator chlorinator?
12

13 MR. STEIN: I thought we talked
14 about that the last time. This is what--by
15 the way, this is the specific language that
16 Mr. Klassen put in last time and was agreed
17 to by the Conferees.

18 MR. PURDY: No, it isn't.

19 MR. STEIN: Wait a moment. As I
20 pointed out, this is not a--as the last time,
21 this is not a case of last resort. Now, let's
22 work this out.

23 MR. POOLE: I thought the last time
24 we agreed the rule does not approve the use
25 of the macerator chlorinator. All I am

EXECUTIVE SESSION

1
2
3 MR. OEMING: Yes, because you
4 remember that we are already in a box on
5 this because Michigan has just adopted its
6 regulations and they become effective on
7 January 1, 1970, isn't it? 1970.

8 MR. MITCHELL: I think the date was--

9 MR. OEMING: And that is an alter-
10 ation, isn't it?

11 MR. MITCHELL: When the date was
12 last mentioned we suggested that we couldn't
13 make the rules effective, that we could, though,
14 make such recommendations, and I think we got
15 the recommendations part in here but we forgot
16 to take out the date.

17 I could recommend tomorrow, which
18 we are going to recommend tomorrow, this charge.

19 MR. OEMING: We recommend, sure.

20 MR. MITCHELL: And we don't need a date
21 for a recommendation, this late, anyhow. We
22 can use it within a month.

23 MR. STEIN: Did we put a period after
24 regulation?

25 MR. OEMING: Where did this come--Mr.

EXECUTIVE SESSION

1
2 Klassen had a draft of this, and you took it
3 with you. What happened to it?

4 MR. PURDY: This is different.

5 MR. POOLE: Let me read the draft
6 I took with me that somebody handed to me.

7 MR. STEIN: Go ahead. That is what
8 we have been looking for all weekend.

9 MR. POOLE: "The representatives
10 of the Conferees within 60 days meet and agree
11 upon uniform rules and regulations for controlling
12 wastes from watercraft. These rules and
13 regulations will generally conform with the
14 Harbor Pollution Code adopted by the City of
15 Chicago, the regulations adopted by the
16 Michigan Water Resources Commission, and the
17 Model Boating Act which prohibits 'overside'
18 disposal and does not approve the use of the
19 macerator chlorinator."
20

21 MR. KLASSEN: That is the one we
22 couldn't find.

23 MR. POOLE: "Since each of the four
24 States operates under different statutes,
25 Conferees will recommend to their respective

EXECUTIVE SESSION

1
2
3 MR. OEMING: Yes, because you
4 remember that we are already in a box on
5 this because Michigan has just adopted its
6 regulations and they become effective on
7 January 1, 1970, isn't it? 1970.

8 MR. MITCHELL: I think the date was--

9 MR. OEMING: And that is an alter-
10 ation, isn't it?

11 MR. MITCHELL: When the date was
12 last mentioned we suggested that we couldn't
13 make the rules effective, that we could, though,
14 make such recommendations, and I think we got
15 the recommendations part in here but we forgot
16 to take out the date.

17 I could recommend tomorrow, which
18 we are going to recommend tomorrow, this change.

19 MR. OEMING: We recommend, sure.

20 MR. MITCHELL: And we don't need a date
21 for a recommendation, this late, anyhow. We
22 can use it within a month.

23 MR. STEIN: Did we put a period after
24 regulation?

25 MR. OEMING: Where did this come--Mr.

EXECUTIVE SESSION

boards, legislatures, et cetera, approval of the proposed uniform rules and regulations."

MR. STEIN: Right. That is what we have--let's get that duplicated.

(Laughter.)

Mr. Poole, you are worth your weight in gold. Depending on characters like Klassen and myself, we just didn't have the record on that.

MR. KLASSEN: We are off the gold standard now.

MR. STEIN: That is 13. But let's get that back. That is exactly right.

MR. OEMING: We agreed on it once.

MR. STEIN: We agreed on it once. Our problem was, it is like the dinosaur, we lost it and we were trying to reconstruct it.

(Laughter.)

MR. KLASSEN: Mr. Chairman, I am happy to announce, and this will indicate the activity of the States, I am happy to announce that we have all agreed that April 10 is a mutually agreeable date. I just canvassed

EXECUTIVE SESSION

all of the participants. We can meet in
Chicago April 10.

MR. STEIN: Good.

MR. KLASSEN: So we are not going
to take the 60 days.

MR. STEIN: Wonderful. But we will
give you that anyway.

MR. KLASSEN: I will send you a
letter.

MR. STEIN: All right. Now--

MR. HOLMER: Maybe the Secretary
won't recommend it.

MR. STEIN: Do you want to bet?

MR. KLASSEN: We will go ahead anyhow.

(Laughter.)

MR. OEMING: Fourteen, Mr. Chairman?

MR. STEIN: Fourteen. We will have
thirteen back.

Fourteen.

RECOMMENDATION #14

MR. HOLMER: In the next to the last

EXECUTIVE SESSION

1
2 line of 14, I think after the word "elimination"
3 if you pick up from the last line the words
4 "in urbanized areas" so that it reads "and to
5 the elimination in urbanized areas of septic
6 tanks affecting Lake Michigan's water quality"
7 I think it would be smoother.

8 MR. STEIN: All right, let's see
9 what these people think.

10 MR. POSTON: The last sentence?

11 MR. POOLE: John and I agreed on
12 the legislative proposals we were going to
13 present to one of our committees tomorrow
14 and now you have rung in about four more on
15 us, so that is my only comment.

16 MR. STEIN: What do you suggest?

17 MR. POOLE: I think we will present
18 the three we agreed on Friday.

19 MR. STEIN: What are the three you
20 agreed on?

21 MR. POOLE: Watercraft, pesticides
22 and dumps, open dumps. Isn't that it?

23 MR. STEIN: Do you want to cut out
24 sewer septic tanks?
25

EXECUTIVE SESSION

1
2 MR. POOLE: Well, I don't care in
3 the waning days of my time in Indiana to get in
4 a fight in the Indiana Legislature about
5 septic tanks, which we pretty well delegated--

6 MR. STEIN: Well, I would hate to outlast
7 your waning days; you have been waning for 25
8 years.

9 (Laughter.)

10 MR. POSTON: A little stronger every
11 day.

12 MR. POOLE: We pretty well delegated
13 the septic tank problem to local zoning and
14 planning commissions and to local health
15 departments.

16 MR. STEIN: How do you want to handle
17 this one?

18 MR. MITCHELL: I think the problem
19 here is if you read that one sentence, "Such
20 legislation should relate to the creation of
21 subdivisions, to the control of siltation, to
22 the regulation of water supply and sewage
23 disposal systems, and to the elimination of
24 septic tanks in urbanized areas," you are saying
25

EXECUTIVE SESSION

1
2 we need a Statewide zoning control act.

3 MR. STEIN: Do you want to put a
4 period after "disposal"--

5 MR. MITCHELL: And I don't think
6 anybody is quite ready to make that move yet.

7 MR. STEIN: Do you want to put a
8 period after "disposal systems" to strike--

9 MR. POOLE: What kind of legislation
10 would you propose on the control of siltation,
11 just to get practical for a minute here? I
12 racked my brains in preparing our reports to
13 submit to the Secretary on what we would say
14 about the control of siltation, and about
15 all we could say was we would cooperate with
16 the soil conservation districts in any way we
17 could.

18 MR. STEIN: I can't answer that,
19 and since we can't answer it, do you want to
20 strike that one? Is the way to handle siltation
21 at the present time to propose legislation or
22 do we wait that agricultural report? Let's
23 strike it.

24 MR. OEMING: I don't have any idea
25

EXECUTIVE SESSION

how you do it.

MR. STEIN: No, and I can't tell you anything that I can suggest.

Let's strike the control of siltation, unless anyone has any other. I am agreeable.

"Such legislation"--all right.

What else?

We have a suggestion "to the elimination in urbanized areas of septic tanks."

MR. OEMING: Mr. Poole has trouble with that, but I wonder if you have as much trouble if you read that "in urbanized areas," Blucher?

MR. POOLE: Oh, I don't have so much trouble if you read it and go on "affecting Lake Michigan's water quality."

MR. OEMING: Yes. That should be--

MR. POOLE: I only know of one place that we have.

MR. STEIN: Do you want to put "in urbanized areas" after "elimination"?

MR. POOLE: I don't know as we need any legislation. The one problem we have got,

EXECUTIVE SESSION

1
2 they need money, that is all it boils down
3 to. It is an unincorporated area.

4 MR. HOLMER: I think you could
5 delete "in urbanized areas" because if a
6 septic tank affects Lake Michigan water
7 quality I would like to eliminate that too.

8 MR. STEIN: Well, wait a minute.

9 MR. HOLMER: Whether it is urbanized
10 or not.

11 MR. STEIN: Let's go back on this
12 one, on the whole operation.

13 I am not sure that we aren't putting
14 ourselves in a bind by talking about legislation.

15 MR. POOLE: Well, we are. As soon as
16 you get into subdivisions, you get into zoning
17 and planning.

18 MR. STEIN: Wait a minute. "Each
19 of the State water pollution control agencies
20 institute programs designed to"--how about that?

21 MR. OEMING: All right.

22 MR. STEIN: Because the legislation--
23 institute programs or accelerate programs.
24 Have you got programs like this?
25

EXECUTIVE SESSION

1
2 MR. POOLE: We thought we had.

3 MR. OEMING: Sure.

4 MR. STEIN: All right, put "accelerate."
5 --"accelerate programs." And then we can put
6 that siltation back in, "designed to achieve
7 pollution controls of the unincorporated land
8 and particularly land bordering," etc. "Such
9 programs should relate to the creation of
10 subdivisions, the control of siltation, the
11 regulation"--you can leave out that too--"of
12 water supply and sewage disposal systems, and
13 the elimination of septic tanks." And then
14 I don't think we will have a problem. The
15 problem is the legislation here.

16 MR. OEMING: Yes.

17 MR. STEIN: All right?

18 MR. MITCHELL: What happened to our
19 pesticide legislation?

20 MR. OEMING: That's coming.

21 MR. POOLE: That's coming.

22 MR. MITCHELL: No, it doesn't say
23 anything about legislation.

24 MR. POOLE: No, they are not going to
25

EXECUTIVE SESSION

1
2 raise the--

3 MR. STEIN: No legislation.

4 MR. POOLE: Not going to raise that
5 question.

6 MR. STEIN: We are not raising the
7 question of legislation.

8 MR. MITCHELL: We did decide to
9 propose some pesticide control legislation.

10 MR. STEIN: Pesticide comes later.

11 MR. MITCHELL: Doesn't say anything
12 about legislation, though.

13 MR. STEIN: No. No. If you want to do
14 this when we get to the pesticides, we will
15 get to it.

16 MR. MITCHELL: O. K., all right.

17 MR. STEIN: But let's take up
18 pesticides later.

19 MR. MITCHELL: All right.

20 MR. STEIN: Let's look at 14 now.
21 We may be able to buy this. Here
22 is the way this reads:

23 "Each of the State water pollution
24 control agencies accelerate programs designed
25

EXECUTIVE SESSION

1
2 to achieve pollution control of unincorporated
3 land and particularly of lands bordering on
4 streams and lakes in the basin. Such programs
5 should relate to the creation of subdivisions,
6 to the control of siltation, the regulation of
7 water supply and sewage disposal systems, and"
8 --cross out the "to"--"the elimination of septic
9 tanks in urbanized areas affecting Lake Michigan's
10 water supply."

11 That I think we can all buy, can't
12 we?

13 MR. POSTON: Water quality.

14 MR. STEIN: Water quality.

15 Yes.

16 MR. HOLMER: In the middle or the
17 third line, I am not quite sure what the un-
18 incorporated land reference does. In other
19 words, isn't it to achieve pollution control
20 of lands bordering on streams and lakes in
21 the basin? Obviously our programs are going
22 to be Statewide, but I am not sure why we
23 pick on unincorporated land.

24 MR. STEIN: Yes. I think to achieve
25

EXECUTIVE SESSION

pollution control of lands bordering on
lakes and streams in the basin. O. K.?

All right. All right?

MR. OEMING: No.

MR. STEIN: No?

MR. OEMING: No, we have a problem,
Mr. Chairman.

MR. STEIN: All right.

MR. OEMING: How do you get pollution
control of unincorporated land?

MR. STEIN: We struck it.

MR. HOLMER: It was taken out.

MR. OEMING: What did you decide?

MR. STEIN: Here is the way it reads:

"Each of the State water pollution
control agencies accelerate programs designed
to achieve pollution controls of lands bordering
on lakes and streams in the basin."

MR. OEMING: You put it back in again.
That is what I am saying, how do you get pollu-
tion control of lands?

MR. POOLE: Ask Wisconsin. They
proposed it.

EXECUTIVE SESSION

1
2 MR. HOLMER: All right.

3 MR. POSTON: I have got a suggestion,
4 that we go back to--

5 MR. STEIN: Let Wisconsin explain.

6 O. K.

7 MR. HOLMER: For instance, the
8 regulation of water supply and sewage disposal
9 systems, we are firmly convinced that unless
10 you control subdivisions you are going to
11 have people too close together, the resulting
12 use of private sewage disposal systems is
13 going to create problems.

14 MR. PURDY: You control the use of
15 the land so as to get pollution control.

16 MR. HOLMER: Oh. Oh, Murray, the
17 problem is that I think as you read "pollution
18 control" you have left off "use of," and it is
19 the control of the use of land, and I think
20 you have been saying control of lands bordering
21 on streams and lakes in the basin. It is
22 control of the use.

23 MR. MITCHELL: Does Wisconsin have
24 State zoning powers?
25

EXECUTIVE SESSION

MR. HOLMER: Yes, sir.

MR. MITCHELL: Such as you described?

MR. HOLMER: Ours are reserve powers. The law requires that the counties adopt zoning ordinances. If they fail to do so, we may adopt ordinances for them.

MR. MITCHELL: For that county?

MR. HOLMER: Yes.

MR. STEIN: All right. Here is what I think you mean, and I don't know whether you are going to buy it, but I understand what you mean now. Now let's try this:

"Each of the State water pollution control agencies accelerate programs designed to achieve pollution controls by regulating use of lands bordering on streams and lakes in the basin."

That is the proposal. All right?

MR. OEMING: I don't have any problem with this, but--

MR. STEIN: All right. All right. But I am trying to put in words what I think Mr. Holmer said. This is what he is proposing,

EXECUTIVE SESSION

1
2 and if the States can see their way clear
3 to this, I think this is a great step. I
4 don't know if you can.

5 MR. MITCHELL: The only thing I
6 take issue with is that we have a tremendous
7 upsurge in public responsibility for zoning
8 by local government in Indiana, and we have
9 got no indication whatsoever that our local
10 zoning people aren't going to be able to ade-
11 quately control the use of lands. At one time
12 in our history, about four or five years ago,
13 we had some concern, but right now we are
14 moving much faster than even any seven--what,
15 the 712 funds--what do they call them?

16 MR. POOLE: 701.

17 MR. MITCHELL:--701 funds
18 are available. So I would be reluctant to
19 go back to our legislature and tell them we
20 believe in Statewide zoning.

21 MR. STEIN: No, I don't believe this
22 proposes this, sir.

23 MR. OEMING: Let's get over this.
24 Let me try this on you.
25

EXECUTIVE SESSION

1
2 MR. POSTON: How about my suggesting
3 one?

4 MR. STEIN: All right.

5 MR. POSTON: I would go back to the
6 beginning, what we started out with here, and
7 say that as a matter of policy planning provide
8 for the maximum use of areawide sewerage
9 facilities, discourage the proliferation of
10 small inefficient treatment plants in contiguous
11 urbanized areas and foster the elimination of
12 septic tanks.

13 MR. POOLE: I can buy that.

14 MR. MITCHELL: I have read that some
15 place before.

16 MR. POSTON: Yes.

17 (Laughter.)

18 MR. STEIN: Is this the way we want
19 to go?

20 MR. POSTON: That is where we started.
21 We have been clear around the barn.

22 MR. STEIN: Well, naturally. Is this
23 all right?

24 MR. HOLMER: Well, there are two things
25

EXECUTIVE SESSION

wrong with it.

(Laughter.)

I pointed out both of them at our February session. One of them, we are opposed to all inefficient plants, not only the small ones, and the other has, instead of "elimination" I think it ought to be "replacement of septic tanks." I just don't want to eliminate them without having some sort of replacement for them that meets our requirements.

MR. STEIN: All right.

MR. OEMING: Let me try one on you, Mr. Chairman.

MR. STEIN: Yes.

MR. OEMING: "Each of the State water pollution control agencies accelerate programs designed to achieve control of pollution emanating from unincorporated land and particularly of lands bordering on streams and lakes of the basin."

Isn't that what we are talking about?

MR. STEIN: Is that agreeable?

I think some of these guys have got

EXECUTIVE SESSION

1
2 a bug on about septic tanks and if they want
3 to put in anything specific, I don't want to
4 hold them back, particularly those that put
5 nutrients into the lake.
6

7 MR. OEMING: Well, I guess I had
8 better withdraw from this discussion because
9 I don't have any problem. We have control
10 over the septic tank building law on lakes
11 and streams.

12 (Across-the-table discussion inaudible
13 to the reporter.)

14 MR. POOLE: I am not trying to defend
15 septic tanks, Judge. I am just trying to keep
16 this within bounds.

17 MR. STEIN: That is right. I have
18 no objection with that if this is what you
19 want to say.

20 MR. POOLE: Well, I like yet #15 in
21 the printed book better than anything that has
22 been proposed, because when you attempt through
23 Indiana legislation to regulate the use of land
24 bordering on streams and basins, and particularly
25 when you ask the pollution abatement agency to

EXECUTIVE SESSION

attempt to do this, you are spelling out a tremendous chore, in my judgment.

MR. STEIN: Yes, I agree with you.

MR. POOLE: The only way we could possibly do it, the Natural Resources Department has the power for flood plain zoning and we have been--this is John's department, but they are working in that direction. But this is something you just don't do overnight in a State.

MR. STEIN: Gentlemen, let me try this.

Let me have your attention. I think I have zeroed in and eliminated all the objections and got this in, and this is really a revision of that 15 in the book, which would be 14 here.

"Each of the State water pollution control agencies accelerate programs to provide for the maximum use of areawide sewerage facilities, discouraging the proliferation of small treatment plants in contiguous urbanized areas, and foster the replacement of septic

EXECUTIVE SESSION

tanks."

Get a girl in and see if we can
get that.

I don't think I have added anything,
but I think what I have done is gotten all the
views and I think this is what you are really
saying.

Didn't we get a piece of paper here?
Look at this 13 while we are looking at this
14.

(Recommendation 14 was read as follows:
"Each of the State water pollution control
agencies accelerate programs to provide for
the maximum use of areawide sewerage facilities,
discouraging the proliferation of small treat-
ment plants in contiguous urbanized areas, and
foster the replacement of septic tanks.")

MR. SCHNEIDER: No, we want elimination.

MR. MITCHELL: Not replacement.

MR. STEIN: Then you take this up
with Mr. Holmer.

MR. POSTON: You want to eliminate
septic tanks.

EXECUTIVE SESSION

1
2
3 MR. HOLMER: I don't want to eliminate
4 them without an adequate substitute.

5 MR. MITCHELL: We don't want to keep
6 replacing old ones with new ones either.

7 MR. HOLMER: That's right. That's
8 right.

9 (Laughter.)

10 MR. HOLMER: All right, but why don't
11 you say the replacement rather than the elimi-
12 nation and then say what you want it replaced
13 by, which is adequate treatment, which, I think
14 is what Murray was doing.

15 MR. MITCHELL: Oh, you think we are
16 going to eliminate them and not have anything
17 to replace them by?

18 MR. HOLMER: You didn't say so.

19 (Laughter.)

20 MR. MITCHELL: All right.

21 MR. STEIN: We want to add a phrase
22 onto that?

23 MR. POOLE: Say "have replacement
24 with sewers."

25 MR. HOLMER: "With adequate treatment."

EXECUTIVE SESSION

1
2
3 MR. STEIN: "With adequate collection
4 and treatment"?

5 MR. POOLE: Yes, "collection and
6 treatment."

7 MR. STEIN: "And the replacement of
8 septic tanks with adequate collection and
9 treatment."

10 MR. OEMING: Right.

11 MR. STEIN: All right. All right.
12 Now we are in shape.

13 MR. POOLE: Of course we still tell
14 them in Indiana when we are fighting with them
15 that they can build a privy if they don't want
16 to subscribe to the sewer system, but I guess
17 that's too backward for Wisconsin.

18 (Laughter.)

19 (Off the record.)
20

21 RECOMMENDATION #13

22
23 MR. STEIN: All right, did we look
24 at this 13? I don't think there is any problem,
25 is there?

EXECUTIVE SESSION

(Discussion off the record.)

MR. STEIN: All right, it should read,
"The representative of the Conferees within 60
days will meet"--no, "representatives of the
Conferees within 60 days will meet and agree."
All right.

O. K.

MR. POOLE: Move for adoption.

MR. STEIN: All right.

MR. OEMING: I second.

MR. STEIN: We are going to get 14.

RECOMMENDATION #15

MR. STEIN: Let's go on to 15. That
is on pesticides.

MR. OEMING: Mr. Chairman.

MR. STEIN: Fifteen.

MR. OEMING: Mr. Chairman, I have a
couple of small changes I would like to suggest.

In the first sentence, a technical
committee on pesticides, do you want to put
"should" or not? Just "be established," I guess

EXECUTIVE SESSION

that is all right.

MR. STEIN: Or "will be."

MR. OEMING: "will be established"--

MR. STEIN: All right.

MR. OEMING: --"to be chaired by a member of the Water Pollution Control Administration with representatives from each State."

Now, here, "The Committee shall evaluate the pesticide problem and recommend to the Conferees a program to monitor and control it."

MR. STEIN: Wait. --"evaluate the pesticide problem and recommend to the Conferees"--

MR. OEMING: --"a program to monitor and control it," always referring back to the program, monitor the program and control it.

Then go on and say, "The first report will be submitted in six months to the Conferees."

MR. POOLE: Would you read that again?

MR. OEMING: Yes, sir, I will.

The second sentence, Mr. Poole, strike "and," insert: "the committee shall"--

MR. POOLE: You said "will" before,

EXECUTIVE SESSION

1
2 but that is all right. Go ahead.

3 MR. OEMING: All right.

4 MR. POOLE: That's all I got written
5 down.

6 MR. STEIN: No, he said that in the
7 first sentence.

8 MR. OEMING: "The committee shall
9 evaluate," strike "of", and then go on, "the
10 pesticide problem and"--insert--"recommend to
11 the Conferees a program to"--and insert--
12 "monitor and control it." Strike the rest of
13 the sentence.

14 MR. STEIN: And then we have the
15 last sentence, "The first report"--

16 MR. OEMING: --"will be submitted in
17 six months."

18 MR. STEIN: All right.

19 MR. POOLE: We would kind of like
20 to see you add another sentence.

21 MR. STEIN: What is that?

22 MR. POOLE: Well, "It is recommended
23 that the States seek legislation to license
24 commercial applicators," which I believe Michigan
25

EXECUTIVE SESSION

1
2 already has.

3 MR. OEMING: Yes. The only question
4 I have, Mr. Poole, and I would have no objection
5 to this because I can't object, we already have
6 it, but is this a proper recommendation for a
7 pollution control group like this? I mean what
8 relationship can we say this has to the pollution
9 control program, the fact that you are licensing
10 it? If you can tell me that, then I am satis-
11 fied.

12 MR. MITCHELL: Well, I think our
13 feeling has been all along, how do you know
14 the magnitude of the problem until you know
15 the magnitude of the use, and through the
16 licensing of commercial applicators we would
17 hope to some way determine with how much of the
18 various things these pesticides are being used.

19 MR. OEMING: All right.

20 MR. STEIN: All right.

21 MR. POOLE: I will go a step farther.

22 In one of our--

23 MR. OEMING: You don't have to.

24 MR. POOLE: Well, we almost got sued
25

EXECUTIVE SESSION

last year over turning over to the newspapers that an applicator was responsible for a fish kill, and it got real sticky.

MR. OEMING: O. K.

MR. STEIN: I think you can drop "it is recommended."

"The States seek legislation to license commercial applicators." That is all we need, right?

MR. LELAND: --"shall seek"--

MR. STEIN: "The States shall seek legislation to license commercial applicators." Right?

Let me read that again. Can we have the girl in?

(Discussion off the record.)

MR. STEIN: "A technical committee on pesticides will be established, to be chaired by a member of the Federal Water Pollution Control Administration with representatives from each State."

Let me start again.

"A technical committee on pesticides

EXECUTIVE SESSION

1
2 will be established to be chaired by a member
3 of the Federal Water Pollution Control Administra-
4 tion with representatives from each State. The
5 committee shall evaluate the pesticide problem
6 and recommend to the Conferees a program of
7 monitoring and control. The first report will
8 be submitted in six months to the Conferees.
9 The States shall seek legislation to license
10 commercial applicators."

11 MR. HOLMER: Could we add two words,
12 "and users"?

13 MR. STEIN: Oh, boy. Well, all right.
14 Let's listen.

15 MR. HOLMER: We have a particular
16 problem in which we are aware of a user of
17 pesticides who uses them in the course of a
18 business. Now, I realize that commercial
19 in this context of using pesticides could be
20 used very broadly, but this happens inside a
21 city limits, for example, and it bothers us
22 some.

23 MR. STEIN: Well, this is all right.
24 By the way, I have no objection to this if the
25

EXECUTIVE SESSION

1
2 States want to do it. But, you know, when
3 you deal with a user of pesticides, and I
4 assume you have some tall buildings in
5 Milwaukee, you are dealing with the lady
6 who has an apartment on the 14th floor of
7 that building. Now, I don't know. If you
8 want to put this in--

9 MR. HOLMER: I am really asking the
10 question and I am not going to push it.

11 MR. STEIN: But I want you to know
12 what you are taking on. And if you can regulate
13 that lady up there, I am with you.

14 MR. HOLMER: I wasn't--

15 MR. STEIN: I never have been able
16 to do that because I have one like that at home.

17 MR. HOLMER: I meant commercial users.
18 I didn't mean individual users. I meant commercial
19 users.

20 MR. LELAND: Commercial applicators
21 and users.

22 MR. MITCHELL: What would really be
23 the difference between a commercial applicator
24 and a commercial user?
25

EXECUTIVE SESSION

1
2 MR. HOLMER: Well, I was thinking
3 of the guys flying the planes or otherwise.

4 Well, we can certainly take care of
5 this in Wisconsin.

6 MR. STEIN: Do you want to say
7 commercial applicators and users?

8 MR. HOLMER: I would leave off the
9 users.

10 MR. STEIN: All right. All right.
11 I think you are biting off quite a bit.

12 All right, leave off "users". Let's
13 see if we can have that.

14 Let's go on to 16. The Department
15 of Agriculture.

16 MR. LELAND: Have we got a new 14
17 coming in and 15?

18 MR. STEIN: Yes, you are going to
19 have 14 and 15. They are rewrites, but they
20 are the same.

21
22 RECOMMENDATION #16

23
24 MR. STEIN: Sixteen.
25

EXECUTIVE SESSION

1
2 MR. POOLE: Well, I can buy 16.

3 MR. STEIN: All right, any objection
4 to 16?

5 MR. POOLE: All I want to say is that
6 I don't know whether we want to pitch feed lot
7 operators or dairying back in the hands of the
8 Department of Agriculture. We have treated
9 them just as any other industry.

10 MR. KLASSEN: We have too.

11 MR. OEMING: I think I would subscribe
12 to what Mr. Poole says. We don't differentiate
13 or exclude them from our statute, feed lot
14 operators or dairying operators. This has a
15 sense of doing that, doesn't it?

16 MR. STEIN: Yes, I think you have
17 got a point, you are right.

18 "Such as siltation and bank stabili-
19 zation," and let's leave it at that, O. K.?

20 MR. OEMING: Yes.

21 MR. STEIN: All right, let's strike it.

22 (Discussion off the record.)

23 MR. STEIN: Here is the way this reads:

24 "The United States Department of
25

EXECUTIVE SESSION

Agriculture be requested to submit to the Conferees a report within six months on agricultural programs to prevent pollution from agricultural land use such as siltation and bank stabilization."

MR. OEMING: Period.

MR. STEIN: Period.

RECOMMENDATION #17

MR. STEIN: Seventeen.

MR. KLASSEN: I will move its adoption.

MR. POOLE: Second.

MR. MITCHELL: Pass.

MR. STEIN: All right. If no objection, we go on to 18.

RECOMMENDATION #18

MR. LELAND:--"shall compile"?

MR. STEIN: "Shall" before "compile,"
"shall compile."

"A report shall be" or "will be"?

"Will be."

EXECUTIVE SESSION

1 All right? Is that all right on 18?

2 MR. OEMING: I haven't got the "wills"
3 and the "shalls" in here right, Mr. Chairman.

4 MR. STEIN: All right. "State pollu-
5 tion control agencies shall compile."

6 Next sentence, "A report will be
7 submitted."

8 MR. OEMING: Good.

9 MR. WISNIEWSKI: Who is going to report
10 on the storage of materials and oils on Federal
11 property?

12 MR. KLASSEN: No. 6.

13 MR. WISNIEWSKI: Great Lakes Naval
14 Base, and so forth.

15 MR. STEIN: All right, could we have
16 them? All right.

17 MR. WISNIEWSKI: Training stations,
18 naval base.

19 MR. STEIN: Let's add, "State water
20 pollution control agencies and the U. S. Depart-
21 ment of the Interior." Right? All right. That
22 is a good point.

23 All right. On 18, we have got the
24
25

EXECUTIVE SESSION

U. S. Department of the Interior.

RECOMMENDATION #19

MR. STEIN: Nineteen.

"Shall" before "arrange"

"Results will be." All right?

RECOMMENDATION #20

MR. STEIN: Twenty is the Coast Guard.

"will be requested."

And 21, "the discharge of visible
oil shall be eliminated."

MR. HOLMER: Wait a minute.

MR. STEIN: Are we down to 21? I
don't want to move too fast.

MR. HOLMER: In 20, the aircraft
monitoring, does that stand by itself? We
are not monitoring the aircraft.

MR. OEMING: Monitoring by aircraft?

MR. STEIN: "Monitoring by aircraft."

All right.

EXECUTIVE SESSION

RECOMMENDATION #21

MR. STEIN: Down to 21.

MR. OEMING: Are you ready on 21?

MR. STEIN: Yes, sir.

MR. OEMING: I would like to suggest a change: "The discharge of visible oil from any source in such a manner as to reach the waters of Lake Michigan shall be eliminated"--

MR. STEIN:-- "from any source"--go ahead.

MR. OEMING: --"in such a manner as to reach the waters of Lake Michigan."

MR. KLASSEN: What is the difference there?

MR. OEMING: We are going back to this basin again. Are you concerned or is this conference concerned about what happens at Laingsburg, half a dozen dams--

MR. KLASSEN: All right, but I didn't see any difference in your wording.

MR. OEMING: Oh, yes, "in such a manner

EXECUTIVE SESSION

as to reach Lake Michigan."

MR. KLASSEN: "As to reach the waters of Lake Michigan"?

MR. OEMING: That's right.

MR. STEIN: Same thing.

MR. KLASSEN: Same thing.

MR. STEIN: What do you care?

MR. POOLE: You are going to cut the word "basin" out, aren't you?

MR. OEMING: That's right, "basin" comes out of there.

MR. STEIN: All right.

MR. KLASSEN: Oh.

MR. STEIN: If we cut out "basin" we could have done the same thing. But let's leave it this way.

Do you have any objection to this?

This reads, "The discharge of visible oil from any source in such a manner as to reach the waters of Lake Michigan shall be eliminated."

MR. OEMING: That's right.

MR. STEIN: All right.

EXECUTIVE SESSION

RECOMMENDATION #22

MR. STEIN: Twenty-two, "shall be immediately employed."

--"shall be employed immediately."

O. K., let's not split an infinitive.

MR. MITCHELL: Where is it?

MR. OEMING: Just interchange "employed" and "immediately."

MR. STEIN: That is not really an infinitive but let's do it, anyway.--"shall be employed immediately."

MR. POOLE: Shall what?

MR. MITCHELL: You guys have got me lost.

MR. STEIN: "Present knowledge of water pollution control shall be employed immediately to abate water pollution."

MR. POOLE: O. K.

MR. STEIN: We are on 22.

MR. LELAND:--"and research," leave out the--

EXECUTIVE SESSION

MR. STEIN: Where is that?

MR. LELAND: In the second line,
"and," and take out the "that."

MR. STEIN: Strike out "that" at the
end of the second line and put "shall" after
the word "research" on the third line?

MR. LELAND: No, "shall be vigorously
pursued."

MR. STEIN:-- "and research" instead
of "that," right.

How do you have that?

MR. LELAND: No.

So it will read, "and research on
pressing water problems shall be vigorously
pursued."

MR. STEIN:-- "on water pollution
problems shall," after "problems" on the
third line.

Here is how it reads:

"Present knowledge of water pollution
control shall be employed immediately to abate
water pollution in the Lake Michigan basin and
research on pressing water pollution problems

EXECUTIVE SESSION

shall be vigorously pursued."

Are we all right on 22?

RECOMMENDATION #23

MR. STEIN: How about 23, does that satisfy you, Larry, on those boats?

MR. POOLE: No.

MR. STEIN: No? Let's hear it.

MR. OEMING: You have got to give me a chance to think a minute.

MR. POOLE: I suggested, "It is recommended by the State Conferees that Federal legislation for the control of oil be strengthened." I don't want to be so presumptuous as to spell out everything that the Federal legislation should cover. But this seems to me to be pretty weak.

MR. OEMING: Yes.

MR. STEIN: All right.

"It is recommended by the State Conferees that Federal legislation for the control of oil pollution of Lake Michigan be strengthened"? Or oil on Lake Michigan,

EXECUTIVE SESSION

oil pollution? Oil pollution of Lake Michigan be strengthened--oil pollution on Lake Michigan be strengthened. Right?

MR. OEMING: You said "on Lake Michigan," didn't you, Mr. Chairman?

MR. STEIN: Yes.

MR. OEMING: All right.

MR. STEIN: "It is recommended by the State Conferees that Federal legislation for the control of oil pollution on Lake Michigan be strengthened." Right? "It is recommended." And then let's go on to 24.

MR. KLASSEN: Mr. Chairman.

MR. STEIN: Let me read 23 once more:

"It is recommended by the State Conferees that Federal legislation for the control of oil pollution on Lake Michigan be strengthened."

Yes?

MR. KLASSEN: In no place here do we have a requirement that the Federal Government move toward the control of wastes from interstate watercraft. Is this the place for it or

EXECUTIVE SESSION

1
2 under 15?

3 MR. STEIN: No, we had that, we
4 had that before. Let's go back on the boats
5 way before, Clarence.

6 MR. KLASSEN: You had it, but now
7 you have substituted 13.

8 MR. STEIN: No, no, no, no.

9 MR. KLASSEN: All right, if it is
10 in there, O. K.

11 MR. STEIN: No, no, no.

12 MR. KLASSEN: That is all right.
13 If you are sure it is in there--

14 MR. OEMING: Let's check this out,
15 Clarence. What are you talking about now?

16 MR. KLASSEN: On 13, we revised 13,
17 we omitted "Commensurate requirements controlling
18 the discharge of wastes from commercial vessels
19 be the responsibility of the Federal Government."

20 MR. STEIN: No, I had that on my 13.

21 MR. KLASSEN: But it wasn't on the
22 one that we just passed.

23 MR. LELAND: We have a new 13.

24 MR. KLASSEN: We have a new 13.
25

EXECUTIVE SESSION

MR. LELAND: It wasn't on the one passed out.

MR. STEIN: Well, they didn't type the last sentence on 13.

MR. KLASSEN: Will it be included?

MR. STEIN: I hope so. I have, and let's put this down, "Commensurate requirements controlling the discharge of wastes from commercial vessels is to be the responsibility of the Federal Government."

MR. OEMING: Yes.

MR. KLASSEN: O. K.

MR. STEIN: That is in 13.

All right. Twenty-four.

MR. HOLMER: Twenty-three.

MR. STEIN: Back to 23.

MR. HOLMER: I wonder if it would not be appropriate for us to join in with the President's recommendation that legislation of this sort be extended to cover other pollutant chemicals as well as oil? This was a part of last week's message, and it always concerns me; I realize that oil is our most nagging and

EXECUTIVE SESSION

1
2 persistent problem, but I wonder if we should
3 not also make the record clear that we would
4 support strengthened legislation governing the
5 control of pollution from other chemicals?
6

7 MR. STEIN: Well--

8 MR. POSTON: You are talking about
9 spills now, I assume?

10 MR. HOLMER: Well, yes.

11 MR. WISNIEWSKI: Oil isn't the only
12 thing that floats.

13 MR. MITCHELL: No, but right now
14 the oil control act is the weakest act that we
15 are considering.

16 MR. STEIN: I follow.

17 MR. MITCHELL: And there may not be
18 any other legislation in regard to the others,
19 I don't know. But we were wanting to point
20 out that this oil control act is very weak
21 and at the present--

22 MR. HOLMER: Hasn't been enforced
23 anyway.

24 MR. STEIN: No, no, it is not a question
25 of--let me tell you this. You know, I am in

EXECUTIVE SESSION

charge of the enforcement--

MR. HOLMER: I agree. I agree.

MR. STEIN: No, let me give you this, and I told you this before.

MR. HOLMER: I know.

MR. STEIN: In order for the discharge to be enforceable, it has to be due to gross neglect or wilful.

MR. OEMING: Wilful.

MR. STEIN: Now, if you can prove-- and you know, you have got your own lawyers in your States--if they can prove a case on wilful or gross neglect, as I said before, they are better lawyers than I am.

MR. OEMING: You can't do it.

MR. STEIN: This isn't a question of a will to enforce. We got the law, and you take this up with the fellows you have back working with you in your States and see what they can do with that. I can't do very much.

MR. OEMING: I just want to support you in that, Mr. Chairman.

MR. STEIN: I know.

EXECUTIVE SESSION

1
2
3 MR. OEMING: We had wilful in our
4 act. Under wilful violations we collect a
5 fine, and the attorney general could never
6 enforce it.

7
8 MR. STEIN: Of course not. You see,
9 what they are getting at is a specific thing.
10 We have something in the Oil Pollution Control
11 Act that in effect makes the enforcement of
12 that act difficult in the extreme. The success-
13 ful cases we have had since that amendment
14 are zero. I think this is what we are
15 trying to get at.

16
17 Now, the question here again is if
18 you want to dilute that by putting something
19 else in, and this is up to you. I don't care.

RECOMMENDATION #24

20
21 MR. STEIN: Let's go to 24.

22
23 MR. OEMING: Mr. Chairman, I would
24 like to suggest that you delete the second
25 sentence and let it stand as the first sentence.

MR. STEIN: All right. I thought

EXECUTIVE SESSION

1
2 that might be a suggestion.

3 MR. HOLMER: Yes, indeed.

4 MR. STEIN: If no objection, we will
5 do that.

6 MR. MITCHELL: Good.

7 MR. KLASSEN: Amen.

8 MR. POOLE: I will buy that.

9 MR. HOLMER: A second suggestion,
10 with respect to the first sentence and in
11 view of the President's proposal to follow
12 the Wisconsin procedure--

13 (Laughter.)

14 MR. STEIN: He may have had New York
15 in mind.

16 (Laughter.)

17 MR. HOLMER: Quite possibly. And
18 Illinois and Michigan.

19 MR. STEIN: Yes.

20 MR. KLASSEN: Thank you.

21 MR. HOLMER: But I wonder if it would
22 not be appropriate for us State Conferees to add
23 a second sentence or an additional clause that
24 would acknowledge the fact that he has made a
25

EXECUTIVE SESSION

proposal which we would find very helpful.

MR. POOLE: I haven't read the proposal yet. I couldn't subscribe to that.

MR. STEIN: I would--

MR. POSTON: You couldn't?

MR. POOLE: No.

MR. STEIN: Let's go off the record.

(Off the record.)

MR. HOLMER: Then let's skip it. Let's go to 25.

MR. STEIN: Let's go to 25.

RECOMMENDATIONS #25 AND 26

MR. STEIN: Twenty-five.

And 26 a boiler plate, I hope.

All right

MR. OEMING: Mr. Chairman, in connection with 25, this reconvening every six months, what is the mechanism here? Who initiates this or do we decide this?

MR. STEIN: Here is the way we've done

EXECUTIVE SESSION

1
2
3 this.

4 Let's go off the record on this.

5 (Off the record.)

6 MR. STEIN: I think again it is like
7 these other things, you have to rely on the
8 past performance and good faith. I do not
9 think we have ever called a meeting without
10 thoroughly canvassing you and getting your
11 approval on the date. And this is the way we
12 intend to continue.

13 MR. OEMING: I was thinking who do
14 we look to, and I think we look to you as
15 Chairman of the conference.

16 MR. STEIN: Yes, that's right,
17 around six months. We have one of these
18 massive tickler files in Washington and
19 around five months something is going to come
20 up which says you have got to do something
21 about reconvening that Lake Michigan conference
22 and then I will get on the telephone and if I
23 can get Wally in town or something, I will say
24 to him, "How about calling your States and seeing
25 when they want to reconvene?" And then he will

EXECUTIVE SESSION

1
2 be on the phone with you, as usual. We have
3 been through this many times before--
4

5 MR. OEMING: Yes, we've been through
6 it. I just wanted to--

7 MR. STEIN: And we make an adjustment
8 on the date.

9 Now, the advantage of doing it this
10 way is I think we can give you every reasonable
11 assurance that your wishes will be met in
12 selecting the date and you won't have or any
13 of us have an arbitrary date imposed on us
14 to go to a meeting, that is all.

15 MR. OEMING: It would be about September,
16 wouldn't it, September or October? After the
17 Secretary gets his recommendations off, then
18 we count the six months, don't we?

19 MR. STEIN: I think, gentlemen, if
20 you are talking about September or October of
21 this year and you are thinking of holding a
22 progress meeting in this case right before the
23 first Tuesday after the first Monday in November,
24 I think we are just whistling in the dark. You
25 know we are going to wait until after election.

EXECUTIVE SESSION

1
2 I don't think it is going to be possible
3 to hold a progress meeting until after election.
4

5 MR. OEMING: All right. That gives
6 me enough.

7 MR. STEIN: O. K.

8 MR. KLASSEN: Mr. Chairman, is it
9 necessary to put in the record to file with
10 you a comment that the Illinois Conferee
11 agrees with these or is this the consensus?

12 MR. STEIN: No, I am going to bring
13 these in as unanimous.

14 MR. KLASSEN: O. K.

15 MR. STEIN: Unanimous agreement.
16 Now, I think the advantage, as you all know,
17 of unanimous agreement, we have never had
18 any Secretary, and we have had a variety of
19 Secretaries deal with these, change a unanimous
20 agreement before. And I think the essence
21 of the program to clean up Lake Michigan is
22 to get this unanimous agreement, because this
23 business of getting a complicated program like
24 this working where two or more parties are in
25 disagreement or where a State or the Federal

EXECUTIVE SESSION

1
2
3 Government or anyone is telling the other
4 to go fly your kite isn't going to get the
5 program going.

6 And speaking here on the conclusions
7 of this, I think that the great thing we have
8 achieved here, I hope this won't be under-
9 estimated, is the unanimity among the States
10 and the Federal Government on the program.
11 This is a very difficult program, and the
12 fact that as diverse a group as we have have
13 been able to achieve that unanimity I think
14 reflects possibly the importance that we all
15 accord the goal of saving Lake Michigan and
16 the recognition that if we don't come up with
17 this unanimous program we may have some very
18 dire consequences.

19
20 I want to thank all you people. There
21 have been tremendous accommodations by all
22 parties to come up with this agreement. This
23 has not been easy. It has taken a long time,
24
25

EXECUTIVE SESSION

1
2 and I say, in all deference, and this may be
3 a partisan statement, the reason we have been
4 able to achieve that in a complicated situation
5 like this is that what we are doing is sitting
6 around the table with a bunch of pros who have
7 been working in large measure with each other for
8 the past quarter of a century. I am not sure
9 that this could be done, really, in a situation
10 like this without that professional expertise
11 and the long personal relations that we have
12 all had. We have dealt with some of the most
13 fundamental problems in water resources, the
14 kind of problems that I think a lot of people
15 talk about at meetings, skirt, and maybe have
16 long-range planning programs and research
17 programs for, and we have met them and come to
18 an accommodation with them. And I would like
19 to congratulate all the Conferees for their
20 flexibility and constructive suggestions. I
21 think without it we never could have arrived
22 at this stage.

23 As a matter of fact, I think I would
24 match this program for the saving of Lake Michigan
25

EXECUTIVE SESSION

1
2 in concrete form with any pollution program
3 not just anywhere in the country but anywhere
4 in the world. But I do think we need it.

5 Yes.

6
7 MR. MITCHELL: I would like to add
8 to that statement, though, Mr. Chairman, that
9 I know there are some support groups who have
10 been with us all through our hearings, the
11 League of Women Voters for one and some others.
12 It is easy, really, for us who sit around tables
13 and set up these guidelines, but unless the
14 people back home really want to do the job and
15 spend the money that is going to be required,
16 we will never get it done. I would hope that
17 these support groups won't consider that just
18 because we have issued a report that stops here.
19 We hope that they will be able to carry the ball
20 a little bit farther to really get the support
21 for these bond issues and other things that
22 have to be forthcoming.

23 MR. STEIN: This is the essential
24 part. And let me say, I can put this very
25 succinctly, I agree with John Mitchell completely.

EXECUTIVE SESSION

1
2
3 The kind of pollution control people
4 get is the kind of pollution control they demand.
5 And without your demanding it and going out and
6 working for it, you are not going to get it.
7 Any official agency sitting around the table
8 and coming out with this alone just doesn't
9 do the job, and this is the answer to the
10 question.

11 The Federal Government really, by and
12 large, except for those Federal installations,
13 or the States, the few State installations, we
14 are not the polluters, and this is what you
15 have to understand. Pollution really
16 in essence gets cleaned up by the municipalities
17 and the cities who are creating the pollution
18 and the citizens groups and the people in the
19 area creating the climate where they feel they
20 have to go ahead. It is not us.

21 Are there any other comments or
22 questions?

23 MR. POSTON: I might say--

24 MR. OEMING: Mr. Chairman.

25 MR. POSTON: Go ahead.

EXECUTIVE SESSION

1
2
3 MR. OEMING: May the State of
4 Michigan have a chance?

5 MR. STEIN: Try to stop you.

6 (Laughter.)

7 MR. OEMING: Well, I would just
8 like to say on behalf of the State of Michigan
9 that we are extremely gratified with the way
10 in which the Chairman has conducted this
11 conference in his tact and his ability to
12 draw out all of these different viewpoints
13 and pull them together into something that
14 we can all subscribe to, the States and the
15 Federal Government. This is no mean accomplish-
16 ment in itself, Mr. Chairman. I mean to be
17 able to pull people like Klassen and Poole
18 and Oeming and Holmer together and pull some-
19 thing out of them that everybody can subscribe
20 to as a good program is not easy, and a great
21 deal of credit belongs to you here. I mean
22 this sincerely.

23 MR. STEIN: Thank you. That is the
24 first nice thing anyone has said to me since
25 my mother kissed me when I graduated from high

EXECUTIVE SESSION

1
2 school.

3 (Laughter.)

4 MR. HOLMER: I want to say amen to
5 that.

6 MR. STEIN: I think some of the
7 press and the TV people are going to be here
8 and we are supposed to have a press conference.
9 You are all welcome, if you want to appear
10 before them to answer their questions. As
11 far as I am concerned, the State people can
12 have first crack at this, because--

13 MR. OEMING: I am sure you can
14 handle it in fine shape, the way you have.

15 MR. STEIN: Any way you want to do it.

16 Now, let me say one thing in passing.
17 I do think we have a little time, and I put
18 this to you, on most of our problems, possibly
19 even the nuclear reactor and powerplant prob-
20 lems. We do not--and I repeat this--we do not
21 have any time on that alewife problem if we
22 are going to meet it this year. We are what,
23 in March now?

24 MR. POSTON: Right.
25

EXECUTIVE SESSION

1
2
3 MR. STEIN: My information, and I
4 have talked to many people about this, unless we
5 have not just plans but an operating program
6 and a staff in the field by April, I don't
7 think we are going to assemble the boats, the
8 personnel, the money, the sites and the local
9 cooperation to cope with the alewife problem
10 this year. I would say don't wait for any
11 recommendations to come out from us. We will be
12 overtaken by events if we do this.

13 Let me make this clear, because I
14 said this informally in answer to questions
15 from members of the press, but let me indicate
16 this to you. I think we can get up some Federal
17 money, but the string on this is to be able to
18 have the State money match it. I hope the
19 States will not quibble and will be forthcoming
20 with that so we can make it go.

21 Now, in addition to that, we are going
22 to need a staff to make this program go. We
23 would hope that you would designate the people
24 from this area to run the program. If necessary,
25 we will supply a supporting staff and if you

EXECUTIVE SESSION

1
2 require it and you can't break anyone loose,
3 we will supply supervisors for you. But we
4 are not asking for this. We will just do this
5 on demand. We think the alewife program is
6 so important that we are ready to break these
7 people loose. We would like you people to do
8 it.

9
10 Now, the question again, and let me
11 make this clear, the concomitants of getting
12 the Federal money are that the States come
13 forth with their money, that the States come
14 forth with a viable program, that is a skimming
15 program, sites to dispose of this and a local
16 program to handle this on the beaches.

17 If you can't blast or jar loose any people
18 from your State programs to run this operation,
19 we will supply the people. But whether it is
20 your interstate agency or your State program,
21 I would recommend that the more local people
22 you can put in charge the better we will like
23 it. We will take the support positions. How-
24 ever, if you can't, call on us. O. K.?

25 MR. OEMING: You have given us a good

EXECUTIVE SESSION

message here--

MR. STEIN: All right.

MR. OEMING: --to carry back to
our people, Mr. Chairman.

MR. POSTON: Mr. Chairman, in response
to Mr. Poole's request for a work shop on ad-
vanced waste treatment, particularly relating
to phosphate removal, I would report that we
have plans underway to do this about mid-April.
We will be in touch with you relative to getting
out invitations to consulting engineers in your
particular State--

MR. POOLE: Good.

MR. POSTON: --for this purpose.

MR. STEIN: Are there any further
questions?

If not, again I want to thank you.
You know, you say this sometimes repeatedly,
I say this, not just myself, but some of the
people around the table, and we have been in
many hearings in many pollution cases, but
I do not think that in all the years that I
have been in pollution control, and I suspect

EXECUTIVE SESSION

1
2 this is true for some of the others, that
3 we have ever been dealing with as complex
4 and as important a case as this. This is,
5 I might say, even more complex than the Lake
6 Erie situation, because that was gone, you
7 know. What do you do? This is the hard
8 kind of operation, where you really have to
9 strive for a program and dealing with a lot
10 of States and a lot of problems. We also have
11 dealt with a Federal Government which has a
12 strong point of view and four States which
13 have been noted for their excellent water
14 pollution control programs and the independence
15 of their thought.

16 (Laughter.)

17 I will say that in dealing with this
18 problem this has been, and I know this may be
19 trite, one of the most rewarding experiences
20 that I have had. We have worked our way through
21 and have come up with a program that exceeds my
22 fondest expectations. I defy anyone to come up
23 with a better program than the Conferees have
24 produced here. This is, indeed, an accomplishment.
25

EXECUTIVE SESSION

1
2
3 MR. OEMING: I have got to say
4 something more. This exemplifies the
5 partnership that I thought was in the Federal
6 Water Pollution Control Act between the
7 Federal Government and the States, what has
8 happened here, in my book.

9 MR. STEIN: With that, we stand
10 adjourned for this session of the conference.
11 Thank you all very much.

12 (Whereupon, at 3:30 p.m., the Executive
13 Session was adjourned.)
14 - - -
15
16
17
18
19
20
21
22
23
24
25